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THE  
HISTORY OF SCOTLAND,  
FROM THE  
UNION OF THE CROWNS  
ON THE  
ACCESSION OF JAMES VI. TO THE THRONE OF ENGLAND,

COL. COLL.  
LIBRARY.  
N. YORK.

TO  
THE UNION OF THE KINGDOMS

IN THE REIGN OF QUEEN ANNE.

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THE THIRD EDITION, CORRECTED.

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WITH A

*PRELIMINARY DISSERTATION*

ON THE PARTICIPATION OF

MARY, QUEEN OF SCOTS, IN THE MURDER OF  
DARNLEY.

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BY

MALCOLM LAING, ESQ.

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*IN FOUR VOLUMES.*

VOL. II.

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### APPENDIX.

<i>Consisting of Thirty-five Numbers ; and comprising various Notes and Illustrations by the Author, together with the Copies of Mary's Letters and Sonnets, and of other Letters, Confessions, Declarations, &amp;c. rela- tive to, or illustrative of, the Murder of Darnley</i>	
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AN  
HISTORICAL DISSERTATION  
ON THE PARTICIPATION OF  
MARY QUEEN OF SCOTS  
IN THE  
*MURDER OF DARNLEY.*

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CHAPTER VII.

*Judicial Depositions and Confessions.*

1. **T**HE judicial depositions and confessions remain to be examined. To these a general, preliminary objection has been made, that such of them as are annexed to Buchanan's Detection, are different from the originals still extant in the Cotton Library, and that as they cannot both be genuine, the most obvious presumption is, that both are forged. It is the misfortune of this controversy, to be perplexed by writers, who accuse others of the most complicated and refined forgeries, when they are themselves deficient in common reflection and research. If they, for instance, who brand Buchanan as a serpent, the second of all human forgers, and the first

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The confessions different from the judicial depositions

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of slanderers<sup>1</sup>, had consulted even the titles, they would have perceived that those annexed to Buchanan's *Detection* are, "the *Confessions* of " John Hepburn, Young Talla, Dalgleish and " Powrie, upon whom was justice execute the " iii. of January, 1567:" but that those preserved in the Cotton library, are their *Examinations* and *Depositions* before the privy council, produced and acknowledged on their trial in the justiciary court. If instead of adopting the wretched objections of Goodall, they had examined Anderson's general preface, or the proceedings at Westminster, they would have found that the latter were the *Judicial Examinations* and *Depositions* of the murderers which were produced to the English commissioners, on the 8th of December, 1568: but that the former were their *Confessions* at the place of execution, to which the minutes of the privy council, December 15th, indisputably allude: "There was " also produced and read a writing of another " deposition of Thomas Crawford upon his oath, " exhibited before the commissioners the 13th " December, concerning certain answers made " to him by the foresaid John Hepburn and " John Hay, upon the scaffold at Edinburgh<sup>2</sup>."

<sup>1</sup> Whitaker, iii. 192—3—4. Ruddiman's *Animadversions*, &c.

<sup>2</sup> Anderson, i. pref. 19. iv. 175. Goodall, i. pref. 15.



Had they candidly examined the Confessions themselves, the least reflection might have convinced them, that those annexed to Buchanan's Detection, are a summary or imperfect abstract, taken, not from the Judicial Depositions produced on the 8th, but from the Confessions exhibited at Westminster on the 7th, 10th, 12th, or 13th<sup>3</sup>, of which the minutes are lost, with every other paper transmitted to the press. The Confessions are filled as usual with religious reflections on the ways of Providence, the justice of their punishment, the assurance of mercy, the calls to repentance; none of which occur in the Judicial Depositions. "John (Hepburn) of Bowton, speaking of the queen in the *Tolbuith*, quho lives our deiths will be thought na newis:" and "Young (Hay of) Talla, in the *Tolbuith*," (not, as supposed, in the presence of the privy council or justiciary court, but in prison, before they were led to execution,<sup>4</sup>) "requirit

<sup>3</sup> See in Anderson, iv. part ii. p. 171-5, references to proceedings on the 10th, 12th, and 13th of December, of which no minutes are preserved.

<sup>4</sup> "They are said expressly to have been made in the *tolbooth* of Edinburgh, the building in which the parliament was held, the privy council assembled, and the lords of session convened, for the trial of civil or criminal causes. In this structure Bothwell was tried, for the murder of the king. In this his followers were equally tried. In this the rebel lords assembled for business. *And in this therefore would*

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“ John Brand, minister of the congregation, to  
“ pass to my Lord Lindsay and say, my lord,  
“ hartily I forgeve your lordship and als my Lord  
“ Regent and all uthers, but specially tham that  
“ betrayit me to you, for I know if *ye could here*  
“ *savit me* ye would ; desiring you as ye will  
“ answeare before God in the latter day, to do  
“ your diligence to bring the rest quho was the  
“ beginners of this work to justice, *as ye have*  
“ *done to me.*” In short, whoever peruses the  
whole with the least attention, must be con-  
vinced of the fact, that these are not the Judicial  
Depositions, but an imperfect summary of the  
Confessions of the criminals, made to the clergy  
before their execution<sup>5</sup>.

Accordingly Buchanan appeals for the proof  
of a curious fact in his Detection<sup>6</sup>, not to the  
their previous examination of Bothwell’s followers be made.”  
Whitaker, iii. 191. In this *sortes*, to prove that the Confes-  
sions and Depositions must be identical, because they were  
both taken in the same building, the author forgets that the  
tolbooth was also a jail, in which the murderers were impri-  
soned, before their execution.

<sup>5</sup> See the depositions and confessions in the Appendix, No.  
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<sup>6</sup> When the queen lodged in the Chequer-house, and, as  
she pretended to Murray and his mother (at Lochleven ; De-  
tection, 6. compared with Keith, 445) was first ravished by  
Bothwell, whom Lady Reres had introduced into her bed-  
chamber, (to which, however, he had free access through the  
garden, from the adjoining back-door of the noted chambers  
of Ormond’s house); as if, says Buchanan, to repay force by

Judicial Deposition, but to the Confessions themselves. “Hunc rerum gestarum ordinem, non  
 “modo maxima pars eorum qui cum regina erant,  
 “sunt fassi, sed et Georgius Dalglesius, Both-  
 “wellii cubiculariis, *paulo antequam pœnas luit,*  
 “denarravit, *quæ ejus confessio in actis conti-*  
 “*netur;*” not as erroneously translated, “quihlk  
 “confession yet remains of record,” but which  
 is contained in the acts, or minutes of the pro-  
 ceedings at Westminster<sup>7</sup>. “Such was the as-  
 “surance of the wretch,” says Whitaker, “as to  
 “refer in form to a record for a slander when

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VII.The confes-  
sions quot-  
ed by Bu-  
chanan.

force, Mary and her confidant, Margaret Carwood, a few nights afterwards, let Lady Reres down by the girdle, over an old wall into the next garden, but the girdle burst, and her old and heavy emissary fell prostrate to the ground. Not discouraged by the darkness, the height of the wall, or her sudden accident, this veteran penetrated into Bothwell's chamber, when in bed with his wife, and the doors being opened, brought him half asleep and half naked to the queen. Detection. Whitaker's objection seems to be that she carried Bothwell back over the high wall into the queen's chamber, to which they had an easier access, *foribus reclusis*. iii. 194.

<sup>7</sup>The translation would imply that the confessions were recorded in Scotland, where the depositions themselves, though lodged in the justiciary court, were not inserted in its books of adjournal. But “in actis continetur,” addressed to the English commissioners, refers to the *acts of the session at Westminster*. Anderson, iv. 172-3; and the clause appears, like other alterations, to be a subsequent explanation added by Wilson to Buchanan's Detection.

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“ the record itself does not contain a single syllable concerning it;”—“ but his malignity acted like a pestilential blast upon his discretion,—and the moment we compare Buchanan’s train of confessions with the originals, we detect the imposition which he designs to practise upon us<sup>8</sup>.” Had this scurrilous disputant preferred the plain sense of the text to his own comment, he must have perceived, that *confessio paulo antequam pœnas luit*, can never refer to a Deposition which had been taken on the 26th of June, six months before his death, and of which the record is preserved in the Cotton library, but to the last Confession of Dalgleish, omitted after his trial, and before his execution on the 3d of January, of which the record was lost when Wilson’s short abstract was sent to the press.

Judicial depositions of the murderers.

2. To proceed to the judicial examinations of the murderers:—The depositions of Powrie and Dalgleish, Bothwell’s porter and chamberlain, were taken on the 23d and 26th of June, before the privy council; Powrie’s second deposition was made on the 6th of July; Hay of Talla’s, on the 13th of September; Hepburn of Bolton’s, on the 8th of December; and were produced and acknowledged (January 3d, 1567-8), on their trial, in the justiciary court, before the justice depute, Sir Thomas Craig<sup>9</sup>. From these depo-

<sup>8</sup> Whitaker, iii. 192-4.

<sup>9</sup> According to the family tradition, he was then a young

sitions, which coincide in the most minute circumstances, we obtain a distinct and particular account of the murder. The gunpowder which Bothwell had probably ordered during his journey to Whittingham, had been brought from Dunbar upon Tuesday or Wednesday. On Thursday he intimated to Hepburn an enterprise devised by some of the nobility, and by himself among the rest, to assassinate the king, (and to send two servants each for the purpose) either in the fields, or in whatsoever other place an opportunity could be found. Upon Friday morning he informed Hay and Ormiston separately of the design. At a general consultation held in the evening, he abandoned his plan of assassination in the fields, which might be known or traced, and explained in what manner it might be better effected by means of gunpowder. The gunpowder was brought by Hepburn to Bothwell's lodgings in the abbey, upon Saturday evening; but the murder was prevented that night, as the conspirators were not fully prepared. Upon Sunday evening, Bothwell, after a long consultation, passed in the dusk to sup with the queen at "Mr. John Balfour's house, " where the Bishop of Argyle made the ban-

man, just returned from Paris, where he had studied the civil and feudal laws. He died in 1608, *in fine senectæ*, when according to Dempster's *Epicedium*, *seros venit ad annos*. Craig de Feudis, pref.



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quet." After supper he repaired to Ormiston's lodgings, and then to the Cowgate, while Powrie and Wilson were sent for the gunpowder, which was brought on horseback, in a trunk and mail, to the Blackfriars gate, where it was poured into bags, which were carried by Powrie and Wilson, the two Ormistons, Hay and Hepburn, to the garden wall behind the Kirk of Field. The two first were dismissed, and the rest were received by Paris, through the back door, into the queen's apartment. As an empty powder barrel, which they had brought along with them, was too large to enter the door, they poured the powder in a heap upon the floor, directly under the king's bed, and Hay and Hepburn were left with false keys in the queen's chamber. On the departure of the rest, Paris locking the two doors that opened into the garden, and into the *turnpike*, or outer staircase, went up stairs to the king's apartment, to intimate by his presence that all was ready; and Bothwell returned to the abbey in the queen's train. At twelve of the clock, he retired to his lodgings to change his clothes; and with Powrie, Wilson, Dalgleish, and Paris, he returned by the Canongate through the Netherbow port. After inquiring in vain for Ormiston, he passed again through the Blackfriars gate towards the Kirk of Field, where he left the others, and on entering the garden with Paris, was joined by Hay and Hepburn,

who had lighted the match, and released themselves by means of the false keys. They remained there, quite impatient, till the explosion took place, when they ran down to the Cowgate, through the Blackfriars gate, and ascending by different *closes*, crossed the High-street to a broken part of the town wall in *Leith Wynd*, which Bothwell was unable, or afraid to leap. The porter therefore was again summoned at the Netherbow gate, through which they returned to the abbey, and Bothwell retired to his bed, where he remained till roused by the alarm which the death of the king had at last excited.

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3. Nothing can be better authenticated, at present, than these depositions. The originals taken by the privy council, were produced to a jury; and were read and examined before the learned Craig. They were acknowledged by the culprits themselves on their trial; and the copies of them, which are still extant in the Cotton library, are attested by Bellenden, the justice clerk. But according to diputants, the depositions themselves, the attestation of Sir John Bellenden who never saw them, the records of justiciary where they were never lodged, and of course the whole trial, with the name and authority of Craig, before whom they were never read or exhibited, are the forgeries of Murray, executed during the conferences in England<sup>10</sup>.

Their depositions authentic.

<sup>10</sup> Whitaker, iii. 211.



Every historical document that refutes their assertions, turns at their touch into a convenient fabrication. But of those writers, to whose distempered imagination all is forgery, it is the peculiar misfortune, that their assertions are strong and vehement in proportion as their arguments are weak and inconclusive. It appears incredible to them that men should, without necessity, confess facts to the destruction of their own lives; as if the records of council and judicary were not filled with instances of similar confessions, or as if no judicial confessions were ever made. It is incredible to them that different persons should, at distant intervals, employ the same words and combinations, in their narratives; as if, in any subsequent evidence concerning the same fact, the same words were not often dictated by the same commissioner, or recorded by the clerk, from the first deposition which they hold in their hands. It is incredible that men should know each other, when they met in the dark, or distinguish their cloaths and slippers at midnight, soon after the change of the moon; as if it were impossible to discern the persons, the garb, or the disguise of those who met within the Blackfriars gate, with a lighted candle, at ten at night<sup>11</sup>. But we are told that

<sup>11</sup> Whitaker, iii. 196. Goodall, i. 385. See Powrie's deposition, Appendix, No. XXIV.



Dalglish and Powrie were not arrested till the 17th of July, because their depositions are not mentioned till then by Throckmorton<sup>12</sup>; as if Throckmorton, who did not arrive at Edinburgh till the 12th of July, could have notified their seizure, or their depositions in June. The proclamation for apprehending Bothwell, was issued on the same day (June 26th), that Dalglish was examined, and it mentions in express terms the depositions of his servants. Throckmorton's first letter from Edinburgh, on the 14th of July, refers directly to the same evidence; "he (Bothwell) being with *manifest evidence*, notoriously detected to be the principal murderer;" and his letter of the 18th can allude only to their depositions on the 23d and 26th of June, of which he had heard imperfectly; "That Bothwell's porter, and one of the other servitors of his chamber, being apprehended, have confessed such sundry circumstances of the murder, as it appeareth evidently that he, the said earl, was one of the principal executors of the murder in his own person, accompanied with sundry others, of which number I cannot yet certainly learn the names but of three of them, two of the Ormistons of Tweddale, and one Hayburn of Bolton<sup>13</sup>." If they were arrested

<sup>12</sup> Whitaker, iii. 201.

<sup>13</sup> Anderson, i. 140. Robertson, ii. 447-53.

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only on the 17th of July there was neither time to take, nor occasion to antedate their depositions on the 18th; but “being apprehended,” no more implies that they were then apprehended, than *being copied*, in the proceedings at Westminster, means that the seven several writings produced upon the 8th, were transcribed upon the spot.

Minute ob-  
jections re-  
moved.

But Powrie the porter, according to whose first deposition, the trunk and mail containing the gunpowder<sup>14</sup>, had been brought by himself and Wilson on “tway horses of my lord’s, the “ane being his own horse,” to the Blackfriars gate; and on their return from the Kirk of Field, the “tway horses war away;” declared when re-examined, on the 3d of July, that the “carriage of the trunks and mail containit in his “former deposition were carryed by him and “Wilson upon ane gray horse, that pertaint to “Herman, page to my lord, at twa sundrie tymes,

<sup>14</sup> In Anderson this is printed, “the carriage of twa mails and ane tronk, and the uther ane ledderin mail,” which affords an additional objection, that the two mails and ane tronk shrink, in the second deposition, into a tronk and mail, and ane toom pulder barrel, is added to make up what was lost. Whitaker, iii. 199. But the “twa mails *and ane tronk*,” is evidently mis-printed by Anderson, for “twa mails *the ane ane* tronk, and the udder ane ane leddern mail,” as in the original MS.

“ to the place containit in his former deposit<sup>15</sup>.” Powrie was purposely re-examined to correct a mistake committed from inattention or stupidity, in his first deposition; viz. that the gunpowder had been brought upon two horses, instead of two carriages on the same horse; but a forger, to whom it was indifferent whether the powder had been brought on two horses at once, or on one horse twice, would have rendered his first fabrication complete. According to the first deposition, Powrie and Wilson were met at the Blackfriars gate by Bothwell, accompanied by Hob Ormiston, Paris, and two others, with cloaks about their faces; according to his second examination, when they brought the last carriage to the Blackfriars gate, Bothwell came to them with three more, “ quhilk had thayr cloaks and “ muils upon their feet<sup>16</sup>.” Here, instead of a

<sup>15</sup> Goodall, i. 387. Whitaker, iii. 197. Goodall supposes that it was discovered after the first examination, that Bothwell had no horses in town, or that Powrie and Wilson had no access to them: as if a Scotch earl who never stirred abroad without armed attendants, and who had accompanied the queen from Stirling to Edinburgh and to Callender, and after a secret journey to Whittingham, met her again on the road from Glasgow, had no horses of his own in town. The mistake was probably committed by the clerk, and discovered on the examination of the centinels and others, of whose depositions one was read to Powrie on his second examination.

<sup>16</sup> Whitaker, iii. 198.

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slight contradiction, the two passages refer to the different carriages and arrivals of the powder, which Bothwell, walking up and down the Cowgate, met each time at the Blackfriars gate. In Powrie's deposition the powder in the trunk and mail was contained in pokes or small sacks; in the depositions of Hay and Hepburn, the trunk at least was emptied into bags within the Blackfriars gate<sup>17</sup>; and as Powrie was sent to the Cowgate to purchase candles, it is evident that the powder was poured into the sacks in the interval, before his return. But to those conversant with legal practice, nothing can authenticate the depositions more strongly than a second examination, to correct the mistake of the two horses, some months before the evidence of Hay and Hepburn could explain the fact.

A mine not  
necessary.

4. We are told, however, that the depositions must necessarily be false, as a mine was necessary to blow up the very foundations of the house<sup>18</sup>. The letter from the privy council on Monday,

<sup>17</sup> Goodall, i. 388. Goodall is unable to conceive why Bothwell should change his clothes, or why he should return at all, or with so many attendants, when he had left two men behind to set fire to the train. He forgot that it was necessary for Bothwell to disguise himself; to bring off his two men if discovered; to secure his own person from assault or accident; and by his presence to ensure the perpetration of the deed.

<sup>18</sup> Goodall, i. 146, 389. Whitaker, iii. 202.

to the Queen Regent of France, describes the explosion as such “ que d’une selle, deux cham-  
 “ bres cabinet, et garde robe, il n’est rien de-  
 “ meure que tout ne soit emporte loing de la, et  
 “ redige en pouldre, non seulement la couverture  
 “ et planches, mais aussi les murailles *jusque au*  
 “ *fondement*, de sorte qu’il ne demeure pierre sur  
 “ pierre<sup>19</sup>.” The queen’s letter on Tuesday,  
 to Archbishop Beton, is in the same terms,  
 “ that of the haill logging, walls and other, there  
 “ is nathing remainit, na not a stane above an-  
 “ other, but other carreyit far away, or dong in  
 “ dross to the very *grundstane*,” and she adds,  
 “ it man be don be force of powder, and ap-  
 “ pears to have bene a mine<sup>20</sup>.” This first idea  
 of a mine receives no confirmation from the pro-  
 clamations issued on Wednesday to discover the  
 murderers, which merely states, “ that of the  
 “ haill logging walls and utheris, there is nathing  
 “ *left unruinated*, but dung in dross to the very  
 “ *grundstane*<sup>21</sup>.” The *Actio contra Mariam*,  
 however, represents the walls as undermined,  
 and the mines filled with gunpowder; and in  
 the indictments against Morton and Archibald  
 Douglas, the powder a “ lytle afore was placed  
 “ by them under the grund, and angular  
 “ stanes, and within the voltis, in laigh and darnit

<sup>19</sup> See Appendix, No. IV.

<sup>20</sup> Keith, pref. p. 8.

<sup>21</sup> Anderson, i. 36.



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“pairs and places their off<sup>22</sup>.” But the two letters exaggerate the explosion; the proclamation was addressed to those who beheld its effects; and it is observable that the pretext of a mine, which occurred only to Mary, was necessary then to avert the suspicion, for the same reason that it is still asserted, to obviate the fact, that the powder had been lodged in the queen’s chamber. The Action against Mary when transferred to Wilson as the author, amounts to nothing. Buchanan refers in his Detection, and adheres in his History, to the judicial depositions, that the gunpowder had been lodged that evening in the lower chamber, to which the conspirators had false keys; but Wilson, in his *Actio contra Mariam*, repeats the tales extracted from Lesly and his servants, who had received, and who had an interest to propagate, the queen’s account<sup>23</sup>. At the distance of fourteen, and of twenty years, the hyperbolical language of Scottish indictments, is no evidence of an historical fact; and in the indictments against Morton and Douglas, it was still necessary, for the exculpation of Mary, to dispose of the powder, not in mines, but indefinitely under the ground, and angular, or corner stones, and within the vaults, in low and concealed places, they knew not where. Two horse loads, or a single

<sup>22</sup> See Appendix, No. XXXIV. Arnot’s Crim. Trials, p. 9.

<sup>23</sup> Murdin, 57. Supra, chap. iv. note 61.

cask of gunpowder, were sufficient, not according to the modern fiction, to blow up the very foundations of the house, but to demolish a ruinous house to the *grundstane*. But the supposition of a mine implies that the expansive force of the explosion acts not equally in every direction; as if it were possible, from the ground apartment, to blow up the rafters, floors, and roof of an old house, rent and ruinous, without demolishing the walls. The fact is, that there was neither time nor room to construct a mine. There was no time, as the mine for which six days are allowed, in order to be finished in the queen's absence, must have been begun on her arrival at Glasgow, before it was known or determined, whether her husband would return, or where he would reside. There was no room, as the prebendary's house where he lodged was contiguous to the town wall, and on the east side of the provost's, or principal's house, with a narrow close or passage between. From this close the *turnpike*, or outer staircase, led to the king's apartment, since the back-door opened into the garden, upon the east side of the prebendary's house<sup>24</sup>. The little gallery, having a window in the gavel through the town wall, led directly south from the king's chamber at the north end, from which it was separated by

<sup>24</sup> Supra, chap. i. See the Depositions of Nelson, Hay, and Paris. Appendix, Nos. XXIV. XXV.

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a large stone wall; and as the queen's apartment was beneath the king's, so the cellar was beneath the gallery where the servants slept<sup>25</sup>. The door passing through the cellar and the town wall, of which the key could not be found<sup>26</sup>, appears to have been sufficiently secured within. If the mine, therefore, had been begun without, from the provost's house, or from the Kirk of Field, its entrance must have been discovered after the explosion, and its course would have been disclosed by the ruins sinking into the chasm. But a mine opened

<sup>25</sup> The description which I have given of the house from the different depositions, is confirmed by the council's letter to the queen mother of France; "*Son logis a este enleve, &c. que d'une salle, deux chambres cabinet & garderobe,*" of which the house consisted. The two chambers were the king's and queen's apartments, on different floors: the *salle* was the cellar in Nelson's, and the kitchen in Paris's deposition, which served in those days indiscriminately for a kitchen and hall. The *cabinet et garderobe* were the little gallery in which the servants slept above the cellar, and a small closet above the passage that led through the *laigh house* into the garden, and divided the queen's chamber by a large stone wall, the only partition then, from the kitchen or cellar that entered from the *turnpike* by a separate door. In those times the bedroom served for a parlour during the day, as in some parts of Scotland at present; but Whitaker has converted this simple plan into a house of six rooms, with a (vaulted) cellar under the whole. iii. 263.

<sup>26</sup> Buchanan's Detection, 15. Nelson's Evidence, Appendix, No. XXV.



within the cellar<sup>27</sup>, through which the conspirators must have secured previous access to the whole house, would have been a preposterous labour.

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5. The Depositions were afterwards confirmed by the Confessions of Paris and Ormiston, and are authenticated at present by their opposition to the prevailing report of the times. As the king's body and that of his servant, were found entire, without any external contusion or marks of gunpowder, in an adjacent garden without the walls, it was then the received opinion, that they had been strangled and brought out through the postern, before the house was blown up. This persuasion was so firmly established, that the proclamation issued against Bothwell, on the Depositions of Powrie and Dalgleish, June 26, declared, "of the quhilk murder now by just *trial taken*, he is found not only to have been the inventer and deviser, but the executor with his awin hands, *as his awin servants*, being in company with him at that unworthy fact, hes testified<sup>28</sup>." Hay and Hepburn were not then apprehended to explain the fact; nor was it known that they were locked up in the queen's chamber; and as Powrie, Dalgleish, and Wilson were left by Bothwell at the garden wall, the privy council concluded from their evi-

Depositions confirmed by their opposition to the public opinion;

<sup>27</sup> Whitaker, iii. 232—41.

<sup>28</sup> Anderson, i. 140.

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dence, that he had entered the house with Paris, in order to strangle the king with his own hands, before the explosion took place. Buchanan was impressed with the same persuasion, which every historian of the age has adopted; and from more recent, but doubtful information, he describes the conspirators in his History, as divided into two bands; one of which entering from Hamilton house, strangled the king and his servants, and carried their dead bodies through the postern into the adjacent fields, when the other, on a signal given, set fire to the train<sup>39</sup>.

<sup>39</sup> Buchanan's Hist. l. xviii. 351. l. xx. 397. From comparing these passages, it is evident that Buchanan supposed the archbishop's servants to have murdered the king, and Bothwell's, *dato signo*, to have blown up the house. Goodall, by dint of false translation, " Archiepiscopus libenter trucidandæ regis, partes sibi oblatas suscepit," *that he willingly undertook the employment*, represents the two passages as inconsistent, in order to extract a wretched argument for Bothwell's vindication; as if Buchanan had transferred the whole employment, instead of the *partes sibi oblatas*, to the archbishop. Buchanan's information is confirmed by the History of James VI. which Spottiswood, from different passages, seems to have consulted; that Robertson, a priest, was confronted with the archbishop, before his (the archbishop's) execution, and affirmed that Black John Hamilton, one of the archbishop's servants, confessed at his death, that he was present at the murder by his master's orders; to which the latter replied, that " he synit deadly to lay it upoun him quha knew nathing of the matter, as also he synit to reveal any confessioun." The archbishop was undoubt-

As the operation of gunpowder is now better understood, it is admitted, that, from the intervention of the floor and bedding, their bodies were thrown out untouched by the explosion, and that, if they had fallen upon water, their lives might have been preserved<sup>30</sup>. When the murderers were particularly interrogated, their depositions and confessions concurred in the fact, “that the king was handlit by na man’s hands;” but the supposed forgers never would have discredited their professed opinion, nor have forborn to avail themselves of the popular belief, which they had no interest or inclination to contradict.

But the strongest confirmation is the unintentional coincidence of minute facts. The Depositions all declare, that the conspirators returned, after the explosion, to a broken part of the town wall in Leith *wynd*, which Bothwell was unable, or afraid to leap; but the reason, *because of his sair hand*, is assigned only by Hepburn; and we discover elsewhere, that his hand was *deidly wounded*, or maimed in Liddesdale, to which the long letter from Glasgow alludes, “that the

and the  
coinci-  
dence with  
other facts.

edly privy to the murder, and seems to have watched with his servants at Hamilton house, till the explosion took place; but Buchanan’s inference is erroneous, that the archbishop’s servants were employed to strangle Darnley, and Bothwell’s servants to blow up the house.

<sup>30</sup> Hume, v. 107. n. Whitaker, iii. 293.

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“bracelet might be seen if he should chance to  
“be hurt<sup>31</sup>.” According to the Depositions of  
Dalglish and Powrie, Bothwell knocked and  
called in vain at Ormiston’s lodgings when he  
returned at midnight to the Kirk of Field; and  
Ormiston, who was taken and executed six  
years afterwards, by the regent Morton, declared  
in his confession, that when the powder was  
lodged in the queen’s chamber, he returned  
home and went to bed, “to avoid suspicion,  
“that na man might say he was at the deid  
“doing.” We discover from Robert Melville’s  
letter, that in Hay’s Deposition, and probably in  
the others, Huntley’s concern in the murder  
was suppressed, as that potent nobleman was  
then treating for a reconciliation with the regent.  
But the imperfect abstract of Hepburn’s Confes-  
sion, alludes incidentally to a bond of which Sir  
James Balfour was the principal deviser, signed  
by the nobility for the murder of Darnley, and  
“acknowledging the queen’s mind thairto.”  
And the confession of Ormiston explains the  
evidence against Huntley which was suppressed  
so carefully in Hay’s Deposition; that at Easter  
a bond or contract for the removal of Darnley,  
as a young, proud, and tyrannical fool, unfit to  
reign, was shewn him by Bothwell; that the  
bond had been devised by Sir James Balfour,

<sup>31</sup> See Appendix, No. XXI.

and signed (at Craigmillar) by Huntley, Argyle, Lethington, and Balfour, about a quarter of a year before the deed was done<sup>32</sup>. Ormiston's Confession was taken and attested, in December 1573, by Brand, a clergyman; and an observation of Spottiswood's renders its authenticity indisputable: "that not the less the regent, to the offence of many, did suffer the said Balfour to enjoy the benefit of the pacification, and passed an act thereof in council<sup>33</sup>." But Morton, the regent, never would have inserted among the regicides, the names of Argyle the chancellor, and of Balfour, whom he was then so solicitous to preserve.

6. The Depositions are strictly confined to the murder; as the design was to procure judicial evidence against Bothwell and his associates, not to implicate the queen in his guilt. The letters therefore were not introduced; nor a *single* circumstance not connected with the actual perpetration of the crime. But the silence, or ignorance of the subordinate actors, is assumed as a proof, or converted rather into a positive confession, not only of the queen's innocence, but of the guilt of her accusers<sup>34</sup>. The first intimation of the fact is in a letter from Archbishop Beton to the Cardinal of Lorrain,

The confessions  
quoted by  
Lesly.

<sup>32</sup> See Appendix, No. XXVII.

<sup>33</sup> Spottiswood, 274.

<sup>34</sup> Whitaker, iii. 293—6—9.



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(February 8th, 1568), containing the sum of the dispatches from Scotland. “ Environ les fetes  
 “ de noel dernier, douze ou quinze des principaux  
 “ serviteurs du Conte Bondouel furent prins  
 “ prisonniers aux isles des Orcades, par Mon-  
 “ sieur de St. Croix l’un des freres bastardes de  
 “ la royne, *qui pour lejourdhui s’est faict conte des*  
 “ *dites Isles*, lesquelles par tempeste de la mer  
 “ furent contraincts y prendre terre, et apres  
 “ menez à Lislebourgh, et accuse de meurtre, fu-  
 “ rent condamnez à mort et toutesfois executez  
 “ en prison, pourceque quelques ungs d’eux,  
 “ ayent demande de grace estre ouy par le Conte  
 “ de Murray, confesserent bien avoir merite la  
 “ mort, declarant l’innocence de la royne et  
 “ accusent les plus grands et principaux de son  
 “ conceil, qui assistoient lors avec lui, et mesmes  
 “ le Conte de Morthon et le secretaire Ledinton  
 “ et Balfour qui estoit capitaine de chatteau de  
 “ Lislebourgh; et le dit conte leur maitre en  
 “ *Danemark*<sup>35</sup>.” Such defective intelligence  
 could not well be transmitted from Scot-  
 land, viz. that twelve or fifteen of Bothwell’s

<sup>35</sup> MSS. Brit. Mus. Ayscough’s Cat. 3199, from Mem. Scot. tom. 3. Hay was examined on the 13th of September, apparently before Grange’s return from Shetland; and Hepburn on the 8th of December thereafter. Accordingly the one says in his Confession, that he was betrayed into Lord Lindsay’s hands, the other that he had ships provided to flee, but could not escape. See Appendix, No. XXIV.

principal servants had been taken in Orkney and executed in prison ; instead of four executed in public, of whom Hepburn alone had been taken by Grange and the Bishop of Orkney, (not the Earl) on board of one of Bothwell's ships in Shetland. Lord Robert was not created Earl of Orkney till 1581 ; but it was secretly understood that Morton was privy, and Balfour and Lethington accessory to the murder ; and the queen's innocence was a necessary addition, in a letter to her uncle, the Cardinal of Lorrain. The fact was afterwards improved by Lesly, into a public confession, uttered in the presence of many thousands at the place of execution. In the Instructions from the lords and abbots of her party, he presumes that Mary never would have consented to the murder, having other likely means of divorce or a sentence of death, to be quit of her husband, " by the lords own device " at Craigmillar, bot it may be inferrit that they " were the doaris thairoff onlie, *as was deponit* " by thaim quha sufferet death thairfoir, quha " declarit at all times the quene our sovereign " to be innocent thairoff<sup>36</sup>." In the memorial read by Herreis, on the 1st of December, when Murray's accusation was presented at Westminster, he declared that her adversaries were them-

\* Goodall, ii. 359.

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selves “ the first inventars, writars with thair  
 “ own hand of that devilish band, the conspiracie  
 “ of the slaughter of her late spouse, presentit to  
 “ thair wickit confederate Bothwell, as was made  
 “ manifest befor ten thousand people, at the  
 “ execution of certain the principal offenderis at  
 “ Edinburgh<sup>37</sup>.” The paper was presented by  
 Lesly himself, in consequence of which the  
 regent produced on the 13th, the genuine Confes-  
 sions of the criminals at the place of execution.  
 Amidst those vague assertions, however, con-  
 cerning the bond which was devised and signed  
 by Balfour and Lethington, whom Lesly durst  
 not name, it is observable that he is silent con-  
 cerning the only fact in dispute, though inserted  
 in his Instructions without hesitation, namely,  
 that the queen’s innocence, and the guilt of  
 her accusers, were attested by the criminals  
 themselves at their death. But the fact which  
 he durst not assert at the conference, is intro-  
 duced at length, in his Defence of Mary’s Honour.  
 “ Is it not full well known think ye, that ye and the  
 “ Earls Bothwell, *Morton and others assembled at*  
 “ *the castle of Craigmillar* and other places at divers  
 “ times to consult and devise upon this mischief?  
 “ If need were we could reherse and recount the  
 “ whole sum and effect of the oration made by

<sup>37</sup> Goodall, ii. 211. Anderson, iv. 129.



“ the most eloquent amongst you, to stir up, exhort and inflame your faction *then present*, to determine and resolve themselves to dispatch and make a hand with the Lord Darnley. We can tell you that there were interchangeable indentures made and subscribed by you, that he which had the best opportunity offered, to make him away, should forthwith take it in hand, and dispatch him. We can tell you, and so can five thousand and more of their own hearing, that John Hepburn the Earl Bothwell’s servant, being executed for his and your traiterous fact, did openly say and testify, as he should answer to the contrary before God, that you were principal authors, counsellors and assisters with his master, of this execrable murder, and that his said master so told him ; and farthermore, that he himself had seen the indentures we spake of. We can tell you that John Hay of Galloway, (Talla) that Powrie, that Dalglish, and last of all that Paris, all being put to death for this crime, took God to record, at the time of their death, that this murder was by your counsel, invention, and drift committed, who also declared that they never knew the queen to be participant or aware thereof ; that as for no torments nor fair promises they could be brought falsely to accuse their mistress, so without any torments at all they have voluntarily purged her, and so laid the burden upon

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“ your necks and shoulders that ye shall never be  
“ able shake it off<sup>38</sup>. ”

Such declamatory invectives addressed to no one in particular, and conveying no distinct information, are the sole authorities of those who adopt, as a rule of judgment, every assertion which Mary's early apologists have chosen to advance, and to reject every fact which her opponents have endeavoured to prove. But the rhetorical intimation of what was full well known, implies that it was not known ; what they could tell signifies in plain language what could not be told ; and on this subject Lesly's veracity may be ascertained at once. None were present at Craigmillar, but Huntley, Argyle, and Lethington, who signed the bond devised by Balfour,

<sup>38</sup> Anderson, i. 76. Tytler has a long argument to prove that Lesly's assertion concerning Paris's Confession, passed uncontradicted by Murray, who must have seen it, as the first edition of his Defence was printed at the end of the year 1569, and Murray's death happened on the 23d of January, 1569-70. Tytler, i. 297. By this double supputation the fact is disguised, that the end of the year 1569 was March 25th, 1570, according to our present computation of time. Murray was shot, as Goodall expresses his assassination, on the 22d January, 1569-70, and Lesly's Defence was not printed till the Easter thereafter, which happened that year before the 25th of March. Whitaker, iii. 434. But Lesly's assertion was expressly contradicted in Buchanan's Detection, by publishing the genuine Confessions of the criminals at the place of execution.

and Murray, whom Beton's letter acquits, and whom Lesly has not ventured to accuse or even to name. Morton and his associates were then residing as exiles in England; and the intimation that they were actually present at the conference at Craigmillar, was a fiction of which Lesly himself was conscious, and which he wished to insinuate, but was afraid to assert directly as a fact. When branded with such notorious marks of misrepresentation and fiction, his assertion, that the criminals confessed at their execution in the presence of many thousands, that the queen was innocent, and that her accusers were the chief authors of the murder, must be supported by better authority than his own word. The confession of what Bothwell told his servants, would amount to nothing if genuine, as it was his policy as well as the queen's, to transfer the imputation of the crime to Murray. But the fact inserted in Lesly's instructions, and suppressed at the conference, was introduced into an anonymous pamphlet with the less hesitation; and it admits of this obvious confutation, that the Confessions ascribed to the criminals in the presence of thousands, at the place of execution, were unknown in Scotland, and are not once mentioned by a single historian of the age. Not to insist on Buchanan's silence, Melvil and the author of the *Historie and Life of King James the Sext*, who mentions the seizure

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or the execution of the criminals taken in one of Bothwell's ships, Hailinshed and Thin his continuator, and the contemporary authors whom Calderwood consulted, or whose annals are still extant in manuscript, were all ignorant of those supposititious confessions of the queen's innocence, and of the guilt of her accusers. In the next century Camden's interpolator, improving upon Lesly, transcribed his assertion with this notable mistake, that Paris, whom Lesly had mentioned in the same sentence, suffered at the same time, (1567) with Dalglish and Powrie; and with this remarkable addition, that they understood from Bothwell, that Murray and Morton were the authors of the regicide, from all suspicion of which they absolved the queen<sup>39</sup>. Paris is mentioned in the History of James VI. as one of the devisers of the king's death, but that he denied the fact at his execution, is one of Crawford's

<sup>39</sup> Camden's Annals, 121. Sir James Balfour in his MS. Annals, transcribes this passage from Camden, with the same mistake, which points out, as their sole authority, Lesly, who mentions the execution of Hay, Powrie, Dalglish, and Paris in the same breath. Sir James wrote about the year 1632; and in another part of his Annals he informs us, "that the murderer of this innocent prince was known to be Bothwell, &c. by those who best understood how matters went at court. But the popish affected that applauded the queen's wicked courses, spread a rumour and laid the crime on Morton and Murray, which the queen mainly laboured to do by her answers to foreign princes."

numerous interpolations or forgeries, which Goodall had not the honesty to correct<sup>40</sup>.

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Paris's Con-  
fession or  
first decla-  
ration.

7. Had the queen's share or concurrence in the murder been concealed from those who had no access to her person, her connivance could not have escaped the observation of Paris, the confidential servant whom she received from Bothwell. The question why he was not produced at Westminster during the conference, has been repeatedly asked by those who ought to have known that he was not then apprehended. His name and Ormiston's are inserted in Bothwell's attainder, (December 20th, 1567,) and the rest were executed (January the 3d, 1567-8) before any idea was entertained of the Conference at Westminster<sup>41</sup>. From an original letter of Murray's to Elizabeth, it appears that Paris, who had

<sup>40</sup> Crawford's Memoirs, 113. In the original MS. "The regent passed to St. Andrew's quhair a notabill sorceress called Nicnevin was condemnit to the death and burnt, and a Frenchman callit Paris, quha was ane of the devyseris of the king's death, was hangit in St. Andrew's, and with him Williame Steward Lyonn, king of armes, for divers points of witchcraft and necromancie." History of James VI. p. 66.

<sup>41</sup> Keith's assertion, (366) that Paris had been two years and a half in prison when the confession was made, has been transcribed implicitly by Tytler, Guthrie, and Stuart, who, had they read the conferences at Westminster, would have found in Anderson, iv. 152, that he was then an outlaw. Whitaker first perceived and corrected Keith's mistake. Whitaker, i. 469.



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arrived at Leith about the middle of June 1569, was conveyed to St. Andrew's, as the regent was then engaged in a progress through the north, and that he was executed by order of law (August 16th) after a diligent and circumspect examination, on the regent's return<sup>42</sup>. His Confession on the 9th of August, which occasioned his examination on the 10th, has been preposterously questioned by those who never saw the original. An abridged translation from Calderwood's History, was published by Goodall, as the proof of a forgery which he never examined, instead of the French original in the Cotton library, to which he seems to have had no personal access<sup>43</sup>. The latter is written in an indifferent French hand; it is signed at the end of each leaf and at the conclusion, with a contraction of the initials of Nicholas Hubert, nick-named Paris, and appears to be a free and voluntary confession, made professedly without interrogation or constraint. The internal marks of its authenticity are indisputable; as it is delivered with an arch simplicity that is almost inimitable, and in a narrative quite dramatic, which could occur only to a person strongly impressed with the precise words that were uttered, in the scenes which he describes. It abounds, as Robertson observes, with a number of minute

<sup>42</sup> See Appendix, No. XXVI.

<sup>43</sup> Goodall, i. 137.

facts and particularities which the most dexterous forger could not have easily assembled and connected together with any appearance of probability ; and with circumstances which could have occurred only to one of Paris's character and rank in life<sup>44</sup>. He endeavours at once to conceal the queen's guilt, and to represent his own share in the murder as accidental or compulsive. On Wednesday or Thursday, when the murder was first proposed, he attempted to dissuade Bothwell from the design as dangerous ; but the latter replied, " Comment sera ce ! car j'ay, dis a, Led-  
 " dington, qui est estyme l'ung des meilleurs es-  
 " priets de ce paiscy, et qui est l'entrepreneur de  
 " tout cecy ; en apres j'ay Mons<sup>r</sup>. d'Argyle, mon  
 " frere Monsieur de Hontlye, Mons<sup>rs</sup>. de Mor-  
 " ton, Ruthen, et Lindsay. Les trois la une fois  
 " ne me fauldront jamais, car j'ay parle pour leur  
 " grace, et ay tous les signes de ceulx cy que je  
 " t'ay nommes, et ausy avons envie de la faire  
 " dernièrement que nous fumes a Craigmillar." After some flattering compliments to Murray's former administration<sup>45</sup>, Paris next demands,

<sup>44</sup> Robertson, ii. 341.

<sup>45</sup> See Appendix, No. XXVI. Goodall (i. 145.) wonders how Paris knew any thing of Murray's administration from 1562 to 1565, while Bothwell was in France. From the original Confession, which Goodall never saw, it appears that Paris had quitted Bothwell's service in England, and returned to Scotland, where, as Buchanan intimates, he probably remained in Lord Seton's service till Bothwell's recall.

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“ Quelle parte cestuy la prend ? Ce dict-il, il ne se  
 “ veult point meler. Monsieur, ce di-je, il est  
 “ sage. Adonc Monsieur de Boduel restorne sa  
 “ teste vers moy, et me deist, Monsieur de Morra !  
 “ Monsieur de Morra ! il ne veult ne ayder ne  
 “ nuire ; mais c’est tout ung : Bien, bien Mon-  
 “ sieur, ce di-je, il ne le faicte sans cause, et vous  
 “ le voyres.” Bothwell’s answer, that Murray  
 would neither help nor hurt them, is in the same  
 strain with Lethington’s at Craigmillar, that he  
 would look through his fingers saying nothing  
 thereto ; but an allusion to that conference was  
 the last circumstance which Murray would have  
 introduced, if the Confession had been forged.  
 How desirous soever to criminate Lethington by  
 a forged confession, Murray never would have  
 implicated his three principal adherents, in a man-  
 ner seeming at first to imply, that they had sign-  
 ed the bond for the murder of Darnley ; much  
 less would he have involved himself in the sus-  
 picion of a tacit connivance at his death. Both-  
 well, on the contrary, relied naturally on the as-  
 sistance of Morton, Ruthven, and Lindsay ; but  
 the signatures which he procured, as explained by  
 the context, are limited to Lethington, Argyle and  
 Huntley, *as they would have done it the last time  
 that they were at Craigmillar*, before Morton and  
 his associates were permitted to return. Whether  
 or no the design was prevented then, by Murray’s  
 presence, he denied, in his answer to the protes-



tation transmitted to Huntley, that *any unlawful purpose was held in his audience*; and he certainly would have introduced no intimation of his own connivance, upon which Lethington and Bothwell, on the first covert proposal of the murder at Craigmillar, appear to have both relied<sup>46</sup>. From an impartial examination of his conduct, we must conclude, that the conspiracy of which he was then ignorant, could not have escaped his observation afterwards, when he left town on the eve of the murder, in order to avoid all apparent concern in a crime which he could not prevent. When Paris heard of his departure, the idea was

<sup>46</sup> For the same reason, the real cause of the quarrel betwixt Darnley and Lord Robert Stuart, was not explained either at the conferences, or in Buchanan's Detection. When Darnley was informed by Lord Robert of the design against his life, which he told again to the queen, it was impossible for Murray, who was present at their quarrel, upon Saturday morning, to have remained ignorant of the cause; and in all probability, the discovery induced him to leave town so abruptly on Sunday. But the secret cause of the quarrel was concealed, as it might have betrayed, upon his part, a presentiment or rather a foreknowledge of the murder, which, after the warning so ineffectually given to Darnley, it was impossible to prevent. Upon this account the words ascribed to Murray, as he rode through Fife, upon Sunday evening, "This night, ere morning, the Lord Darnley shall lose his life," are extremely probable, and at the same time perfectly consistent with his innocence; though it is very evident, from Herreis's silence at the conferences, that the latter never ventured to accuse him, at his own table, of a foreknowledge of the crime. Supra vol. i. pp. 194. 307. n.

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irresistible. “Moy entendant ceste parole (qui  
 “Monsieur de Morray venoit prendre son conge  
 “de la Royne, pour aller veoyr madame sa  
 “femme) j’aperseu incontinent, qu’il le faisoit  
 “pour se destorner de se faict meschant ; la des-  
 “sus je m’en allois me pormener Lastarik, et  
 “m’en vois subvenir des paroles que j’avoys  
 “dictes du dict Sie<sup>r</sup>. de Morray a Monsieur de  
 “Bodvel, et aussi ce qu’il m’en avoit respondu :  
 “a ceste heur la je dis en moy mesme, O! Mon-  
 “sieur de Morray, tu es homme de bien, pleust a  
 “Dieu que tu sceaus mon cœur.” Such an art-  
 ful intermixture of truth and flattery was ex-  
 tremely natural to one in Paris’s situation ; but  
 on the supposition of forgery, Murray and Mor-  
 ton must have been industrious to insert every  
 circumstance which it was their interest to con-  
 ceal. In the circumstances, and in the secret  
 steps of the murder, the Confession coincides mi-  
 nutely with the former Depositions ; but Paris,  
 who studied to suppress the queen’s concern in  
 the deed, has inadvertently betrayed a single  
 circumstance decisive of her guilt. On her re-  
 turn to the abbey upon Saturday, Margaret Car-  
 wood, her confidential servant, desired Paris to  
 bring the coverlet of the queen’s bed, which was  
 probably valuable, from the Kirk of Field ; and  
 when she supped upon Sunday with the Bishop  
 of Argyle, she asked him herself if the coverlet  
 was removed.

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amination  
and second  
declaration

8. Paris, in consequence of his Confession, was examined next day, and as his Declaration is delivered in the same strain of arch simplicity, if the one be genuine, the other cannot be less authentic. Nothing in fact can be more natural or regular, than the whole procedure. As the first is a voluntary confession, delivered without interrogation or constraint, so the second is a declaration in answer to certain interrogatories, or those circumstances which at first he had endeavoured to conceal. To the first interrogatory, *quand premierment il entra en credit avec la Royne*, he replied, that it was at Callender, on her journey to Glasgow, when she gave him a purse of three or four hundred crowns to carry to Bothwell; which has furnished those who are ignorant of the language, or inattentive to the context, with a new objection; that she should give him a purse to carry to Glasgow, and to return with it afterwards to Bothwell at Edinburgh, to whom she might have delivered it herself on his departure from Callender. The purse, however, was delivered to Bothwell on the road, before his return to Edinburgh. “ Qu’alors elle luy baylla une bourse  
 “ la ou il avoit environs 3 ou 4 cens escus, pour  
 “ la porter a Monsieur Boduel, *lequel* apres avoir  
 “ receu la dicte bourse, *sur le chemin* entre Callen-  
 “ dar et Glasgow, luy dict que le dict Paris s’en  
 “ allast avec la Royne, et qu’il se tint pres d’elle,  
 “ et qu’il regardast bien a ce qu’elle feroit, luy

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“disant que la Royne lui donneroit des lettres  
 “pour les luy porter<sup>47</sup>.” The heavy purse which  
 he received and delivered to his master, was nat-  
 urally introduced as the first circumstance of his  
 entry into the queen’s service; and on his return  
 with the letters from Glasgow, he proceeds to  
 explain what share Lethington had in recom-  
 mending, and Balfour in preparing, the Kirk of  
 Field for the reception of the king. The histo-  
 rical fact has not hitherto been observed, that it  
 was in consequence of this information alone, that  
 Balfour and Lethington were both accused and  
 arrested, Murray (September 3, 1569,) at the  
 instigation of Lennox, as accessory to the mur-  
 der; but the former escaped, and the latter was  
 preserved by the queen’s friends assembling in  
 arms for his rescue, which compelled the regent  
 to adjourn his trial<sup>48</sup>. The explanation of the  
 letters has already been anticipated; and when  
 interrogated what he knew of the design, in the  
 interval between the arrival of the king at Edin-  
 burgh, and the perpetration of the murder, Paris  
 referred to his former Confession, with this addi-  
 tion: that Bothwell, on the first proposal of the  
 enterprise, forbade him to place the queen’s bed  
 directly under the king’s, where the powder was to

<sup>47</sup> See Appendix, No. XXVII. Whitaker, who had evi-  
 dently read the passage, misunderstood *lequel* as relative to  
 Paris, instead of Bothwell, ii. 315.

<sup>48</sup> See Appendix, No. XXVIII.

be laid ; and as he placed it there, the queen, who slept for the first time that same night, at the Kirk of Field, observed “ *sot que tu es, je ne veux pas que mon lit soit en ce endroit la,*” and actually made him remove the bed. From these words perceiving that she was apprised of the design, he informed her that he was ordered by Bothwell to bring him the keys of her chamber, “ *et qu’il a envie d’y faire quelque chose, c’est de faire sauter le Roy en l’air par pouldre qu’il y fera mettre ;*” (an explanation apparently addressed to his examiner) to which she replied, “ *ne me parle poynt de cela ceste henrecy, ce dict elle, fais en ce qu’on voudras.*” When interrogated whether she conversed any farther on the same subject that night, he declared that when she went to bed she did not sleep all night, but that she wrote and sent a letter to Bothwell : That on Friday morning he returned with an answer from Bothwell that he would not sleep till he had finished his enterprise : That the queen was still in bed, and while she was dressing he took the two keys of her chamber to Bothwell, who compared them with other false keys and returned them again : That during her absence, Beton, the usher, required the keys to let the queen into the garden, and on his return she demanded aloud why he had carried the keys away : That when he asked her apart why she had challenged him publicly, when she knew for what purpose they



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were taken ? “ Ha, ce dict-elle, Paris, c’est tout  
 “ ung : ne te soucie, ne te soucie ;” and that as  
 far as he can remember, she slept again upon  
 Friday night at the Kirk of Field ; and again  
 sent him with letters to Bothwell.

Objections  
 to the se-  
 cond de-  
 claration.

The objections to these facts are numerous at  
 least, if not always just. That Paris, when uncer-  
 tain in his Confession, whether the enterprise was  
 first proposed by Bothwell upon Wednesday or on  
 Thursday, should recollect distinctly on his exa-  
 mination, that the next day was Friday : That he  
 should be employed in *dressing* or putting the  
 queen’s bed in order : That he should be ad-  
 mitted into her chamber when in bed at mid-  
 night, or suffered to attend in the morning when  
 she rose and dressed ; that Bothwell should pro-  
 mise not to sleep for three nights, till the murder  
 was accomplished ; are rejected as circumstances  
 utterly improbable, or at least as inconsistent with  
 all female decorum<sup>49</sup>. But the best confirmation  
 of other evidence is the objection itself ; that the  
 witness was conducted insensibly, by a train of  
 circumstances, to the precise date which he was  
 unable to recollect at first. If uncertain whether  
 the design was communicated on Wednesday or  
 on Thursday, he remembered distinctly, in his  
 first declaration, that he had been ordered upon  
 that occasion to bring the keys, and had returned

<sup>49</sup> Keith, 366. Tytler, i. 312. Whitaker, iii. 267, n.

to Bothwell on Friday morning; in the second declaration he recollected, that the queen slept that same night on which the murder was first proposed, at the Kirk of Field. The intermediate circumstances which he wished to conceal, that she made him remove the bed that night, and sent him at midnight with letters to Bothwell, to whom, on his return to her apartment upon Friday morning, he carried the keys, conduct us to the date of which he was uncertain; that the queen lodged on Thursday for the first time at the Kirk of Field, when Bothwell first communicated the design to Paris, on the same day that it had been imparted to Hepburn. Nelson imagined that she slept there upon Wednesday night; but whether he or Paris has mistaken the day, the first design was to assassinate Darnley in the fields, and the second was to blow up the house upon Saturday night. Bothwell, therefore, if the *enterprise* referred to the murder, might well promise before the time was fixed, not to sleep till it was accomplished; and in the queen's letter on Friday, the expression, "gif it be not that I fear ye are in sleeping," seems to refer to the same words. That Paris was employed to *dress*, or to put the queen's bed in order, proceeds from a misapprehension of the French phrase, *dresser un lit*, which her apologisers have mistaken for *faire un lit*, and have ludicrously imagined that her chamberlain, "qui



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voulu *dresser le lit* de la Royne en sa chambre," was employed in *making*, instead of *setting up* the queen's bed<sup>50</sup>. "Et comme elle s'abilloit le dit Paris prend le deux clefs de la chambre et les "luy apporte," implies, not that she rose and dressed in his presence, but that he went with the keys to Bothwell while the queen was dressing, after which she wanted to pass into the garden, before his return<sup>51</sup>. The great source of historical error, is to estimate the facts or customs of a former period by those of our own. Hence the apologists for Mary, who ascribe to their heroine all the sentimental delicacy of modern times, reject whatsoever appears repugnant to that ideal perfection, which is the mere creature of their own romance. Chatellet's familiarity in her cabinet, when "she wald lye on his

<sup>50</sup> A very decent office truly, says Tytler, (i. 312,) who, in translating the passage, has adopted Keith's objection, that he was employed in making the queen's bed. Keith, 366.

<sup>51</sup> As Beton missed the keys, when the queen, imagining the back door left open, had occasion to pass into the garden, she questioned Paris aloud on his return; evidently to remove all suspicion from herself. From this incident the reader will observe, that Beton, to whom, as usher of the queen's chamber door, the custody of the keys belonged, and without whose connivance the murder could not well be perpetrated, obtained upon Sunday a grant of the vicarage of Dunlop, and according to Ormiston's Confession, accompanied Bothwell to the Blackfriar's gate when the powder arrived.

“shouldars, and sometimes previly wald steal a  
 “kiss of his necke,” gave birth at least to the  
 most presumptuous hopes<sup>52</sup>; and Darnley’s jea-  
 lousy was first excited by Rizio’s familiar ac-  
 cess to her chamber, for which an early apologist  
 makes this excuse: “que ceste Royne ayent  
 “este nourrie en France, se ressentoit des libertes  
 “honnestes de ceste royaume, ou les soupsons  
 “ont esloignes des privautes, esquelles l’infamie  
 “et salete ne scauroient avoir entree quelcoun-  
 “que<sup>53</sup>.” The manners however of the French  
 court, were as free and licentious then, as at a  
 later period; and among the *honnêtes libertés*

<sup>52</sup> In the MS. copies of Knox’s History, “Wise men judge  
 such fashions,” (the queen’s *dancing of the purpose*, with Chat-  
 telet) “*mair like to the borthel than to the comeliness of*  
*honest women. All this winter Chattelet was so familiar in*  
*the queen’s cabinet, air and lait, that scarcely culd ony of*  
*the nobility have access unto hir. The queen wald lye upoun*  
*Chattelet’s shoulder, and sometyme previly wald steal a kiss*  
*of his necke: and all this was honest ynough, for it was the*  
*gentil entreatment of a stranger. Bot the familiarity was*  
*so grit, that upon a night he privily did convey himself un-*  
*der the queen’s bed.*—At the place of execution, he conclud-  
 ed looking into the heavens, with these words, O cruel dame!  
 what that complaint imported *lovers may divine.*” Knox  
 concludes, “deliver us, O Lord, from the rage of sick in-  
 ordinate *rewlars.*” Those passages in italicks were soften-  
 ed or omitted by David Buchanan, in the first editions, out  
 of tenderness to Mary.

<sup>53</sup> L’Innocence de la Royne d’Escosse, 1527. Apud Jebb,  
 i. 457.

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of the French dames, Brantome informs us; “Elles choisissent, au moins aucuns, leur valets desquelles aucuns sont beaux et autres non; “comme j’en ay connu qu’ils ont fait, et si n’en faut prier longuement leurs dits valets, car les levant, couchant, deshabillant, chaussant, deschaussant, et leur baillent leurs chemises, comme j’ay veu beaucoup de filles a la cour et ailleurs qui n’en faisoient aucune difficulte n’y scruple<sup>54</sup>.” Without meaning to insinuate that Mary indulged in such indecent liberties, it is sufficient for me to observe, that according to the uniform custom of French dames, she admitted male visitants to her chamber, without scruple, when she was in bed herself. Le Croc the French ambassador writes to Beton, “Hier elle m’envoya querir, et la trouvoy, *en la ruelle de son lit*, qui pleurroit bien fort. Elle ma dit que son cote lui faisoit grand mal, et dailleurs le jour qu’elle partit de Lislebourgh pour venir icy, elle tomba dessus la haquenie, et se fit mal a un teton, elle me dit qu’il cuidoit enfler<sup>55</sup>.” Randolph the English resident, writes to Cecil, of a conference which he had with her majesty while she was abed, and how she excused herself to him. “I told her that I thought she had something in her belly that kept her waking :

<sup>54</sup> Brantome, vol. viii.

<sup>55</sup> Keith, pref. 7. The original French is from Goodall's MSS.

“ she smiled and said, indeed I may now speak “ with more assurance” (of being with child of James) “ than before I could, and think myself more out of doubt that it should be as ye “ think than before I did<sup>56</sup>.” When foreign ambassadors were admitted to such gross conversation at her bed-side, there is no reason to suppose that her male attendants were excluded on other occasions: and the access which Paris, her chamberlain, had to her chamber, is not more surprising than the admission of Bothwell, as attested by Melvil, the morning after the murder, when the queen was in bed<sup>57</sup>.

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The remaining objections are frivolous in the extreme. According to both declarations Bothwell, on his return to the abbey before the murder, having changed his clothes, took the *taylor* and Paris to the Kirk of Field. As Powrie was the porter, the supposed error is ascribed to an intermediate Latin version in which *janitor*, the porter of the Scottish original, was, I know not how, mistaken for *sartor* by the French translator<sup>58</sup>. But the Scotch copy retains the *taylor* of the French original; the persons present with Bothwell when the explosion took place, were Paris, Wilson, Hay, and Hepburn, Powrie and Dalgleish; and “ Bothwell sent the said Taylor, “ next morning, for Paris to come to a lower

frivolous  
or absurd.<sup>56</sup> Goodall, i. 276.<sup>57</sup> Supra, ch. ii. Melvil, 78.<sup>58</sup> Goodall, i. 146. Whitaker, iii. 215.

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“ chamber, where were the two Ormistons, Hepburn, Dalgleish, Powrie and Paris himself.”

Powrie therefore was not the taylor designed by Paris, but Wilson who was also present at the murder, and was attainted with Bothwell, but was never apprehended. In the second deposition Paris declares that on Monday morning between nine and ten he entered the queen's chamber, “ *laquelle estoit bien close et son lict ia* “ *tendu du noyr en signe de deuil, et de la chandelle allumer dedans ycelle la ou Madam Briant luy donnoit a dejeuner ung œuf frais, la ou aussi Monsieur de Bodvel arrive et parle à elle secretement soubz la courtin.*” The interpretation of this passage is obvious and indisputable; that according to the fashion of the times, the chamber was closely shut, and the bed hung with black, with a candle ready to light therein, (*dedans la ruelle*, in Anderson, the narrow passage between the bed and the wall), where Madam Briant was giving her (*lui*, the queen) a fresh egg for breakfast, and where Bothwell also came and spoke to her secretly under the curtain. Forgetful, however, of the double signification of *lui*, him or her in the oblique case, Whitaker imagines that the egg was given to Paris himself for breakfast, (*lui* to him, according to another MS. *dedant la ruelle*, at the queen's bed-side), and much idle declamation is ridiculously employed on the indelicacy of converting the queen's bed-





room into a buttery hatch for the palace, when the queen was in bed<sup>59</sup>.

Principal  
objection  
removed.

But the chief objection, that no mention is made before whom the Examination was taken, is removed by the attestation of the clerk of council, that “this is the treu copy of the declaration and deposition of Nicholas Howbert, quhairoff the principal is markit every leif with his awin hand, and the same *being red again in his presence*, he avowed the same, and all parts and clauses thereoff, to be undoubtedly trew.” The Depositions of Powrie, Dalgleish, and the rest were taken at Edinburgh, in presence of the privy council, of which there was no quorum at St. Andrew’s; and Hay the clerk, who attended the regent officially on his circuit, was undoubtedly employed to interrogate Paris on the circumstances concealed in his first Declaration. To deduce from thence a presumption of forgery, is to suppose that Murray durst not authenticate the Declaration which he had forged, by the names of those persons (himself or his associates) before whom it was supposed to be taken. But the first voluntary Declaration threatened to implicate, not only Huntley, Argyle, and Lethington, but Morton, Ruthven, Lindsay, and Murray himself in a presentiment of the design; and there was the strongest reason for an examination more secret

<sup>59</sup> Whitaker, iii. 269.

than before the privy council, lest Balfour and Lethington should have withdrawn from justice, if their guilt were divulged. The originals and attested copies were transmitted, upon different occasions, by the regent to England; but another copy retained in Scotland, was afterwards exhibited, with the depositions of Hay and Ormiston, on the trial of Archibald Douglas in the justiciary court. That these were transmitted from England, and again returned<sup>60</sup>, is an hypothesis which contains its own confutation; as Ormiston's, and the original of Hay's Deposition remained always in Scotland, and Elizabeth never would have furnished evidence to the disparagement of Morton, and against Douglas, whom she was willing to preserve. Undoubtedly, the first Declaration of Paris was alone produced, nor would James have consented, at the age of twenty, to criminate his mother by a public exhibition of the second Declaration in the justiciary court. But the opportunity to discredit the two Declarations, and to flatter James by a vindication of his mother's innocence, was too favourable to be omitted either by his ministers,

<sup>60</sup> Whitaker, iii. 211. Ormiston's Confession was never sent to England. Attested copies of Hay's Depositions, &c. were produced at Westminster, but the originals remained in the justiciary office, though not engrossed in its books of adjournal.



or by Douglas, an artful, experienced courtier, if the least presumption, or surmise of forgery had then existed. The depositions, therefore, were produced, or tacitly authenticated in the justiciary court, almost twenty years after the murder was committed, when the regent had successively perished with their friends. But the judicial depositions were not inserted in Buchanan's Detection. A short abstract of the Confessions at the place of execution, was annexed to it by Wilson, as a full confutation of those pretended confessions to which Lesly had appealed under a fictitious name.

9. The supposed testament or confession, in which Bothwell, with his last breath, absolves the queen, and transfers the murder to her accusers, must not be omitted. After his flight from Dunbar by sea, he remained with Huntley and the Bishop of Murray in the north, till abandoned by both, and when refused admittance by Sir James Balfour's brother, into the castle of Kirkwall, he plundered the town, and retiring to Shetland, turned pirate for subsistence. Upon his escape from Grange in a single ship, he was seized for piracy on the coast of Norway, and when his person was recognised, he was kept in prison, where falling into a frenzy, after eight years close confinement, he died mad. Repeated applications from Murray, Lennox, and Elizabeth to the King of Denmark, were evaded

Bothwell's  
testament  
or supposed  
confession.

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1576.

on the most frivolous pretexts : that as Bothwell was already acquitted, as he said himself, by a legal judgment, some previous security was necessary for an impartial trial before he could be delivered up<sup>61</sup>. The true reason may be discovered in Mary's consanguinity to Frederick II. which determined the latter rather to retain Bothwell in perpetual imprisonment, than to confirm his cousin's infamy, by the surrender of her husband to the justice of his country ; as his only defence, if brought to a public trial, was her participation in his guilt<sup>62</sup>. On receiving intelligence of his death, she wrote to Beton that he had made an ample confession both of her innocence and of his own offences, which was attested, signed and sealed in form of a testament, by those witnesses whose names she mentions ; and as the evidence was of such importance against the calumnies of her enemies, she desired her ambassador by all means to ascertain the fact. She had therefore seen the Confession as it exists at present, of which the copy was communicated, (when, where, or to whom is uncertain) by a

<sup>61</sup> See Appendix, No. XXIX.

<sup>62</sup> By the marriage of James III. with Margaret of Denmark, her nephew Christian III. and James IV. were first cousins ; his son Frederick II. and James V. were second cousins. Frederick and Mary therefore were, according to the Scottish phrase, second cousins once removed, or related, according to the canon law, in the fourth degree.

nameless merchant, worthy of credit, and the original at greater length in Latin and Danish, sealed with the seals of the Danish king, and of the witnesses whom she had named, would one day come to light to establish the innocence of the Scottish queen. Beton coldly replied, that he had heard long ago of Bothwell's death, since which the queen-mother, as he was told, had written to the French ambassador at Denmark, to transmit the testament in form, which had not been done; and he proposed to send Monceaux thither, if money could be procured. Six months afterwards he informed her that Gateley (Barclay of Gartley) had been imprisoned on his arrival in Scotland, because he divulged what he had heard in London of Bothwell's testament; that Monceaux refused to undertake the journey without money; but that her son had seen the testament, and rejoiced at such a manifest declaration of his mother's innocence. About the same period she wrote to Beton that the King of Denmark, as she was informed, had transmitted Bothwell's testament to Elizabeth, who endeavoured to suppress it as much as possible; and that Monceaux's journey was unnecessary, since the queen-mother had sent thither to inquire<sup>63</sup>. After her execution, Blackwood, in 1578, appealed for her innocence to Bothwell's testament, which the King of Denmark had

July 30.

January 4,  
1576-7.

January 6.

<sup>63</sup> See Appendix, No. XXX.

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transmitted to Elizabeth and to most of the princes in Christendom; and his authority was adopted by the interpolator of Camden, and improved by Turner, whom Crawford has transcribed in his spurious Memoirs<sup>64</sup>.

A manifest  
forgery.

But the testament is a shallow forgery, of which Mary and Beton were both conscious; and Bothwell himself, as he died mad, was incapable of any genuine confession at his death<sup>65</sup>. When interrogated concerning his accomplices, and the authors of the murder, he names at random, not only Murray, Morton, Argyle, and Lethington, but Crawford and Glencairn, who were certainly innocent, Boyd, Buccleugh, and Grange, who were never suspected, and my "Lord Robert " abbe de St. Croix maintenant (1576) *comte " des isles Orchades."* Lord Robert was created Earl of Orkney in August 1581<sup>66</sup>; but Beton, who had heard, in 1567-8, of a grant which he had obtained of the earldom, or of the exchange of his abbacy with the Bishop of Orkney, imagined, in his letter to the Cardinal of Lorraine, that my Lord of Orkney who accompanied Grange in pursuit of Bothwell, was the earl in-

<sup>64</sup> Jebb, i. 415. ii. 227. Camden's Annals, 121. Crawford's Memoirs, 46.

<sup>65</sup> See Appendix, No. XXXI.

<sup>66</sup> Till then he was uniformly styled Lord Robert, or Lord Robert of Holyroodhouse. Caligula, B. fol. 102, 121, 154, C. 6.

stead of the bishop, and the same mistake in Bothwell's testament, indicates that it proceeded from some Scotchman at Paris. Buccleugh's name was introduced from the placards against the murder, in Buchanan's Detection; "the  
" quene assenting thairto through the persuasion  
" of the Erle Bothwell and the witchcraft  
" of the Lady Buccleugh;" and the last circumstance was adopted by the forger as the only apology of which her conduct was susceptible. "Poursuit apres, comme par *enchantement*,  
" auquel, de sa jeuness, a Paris et ailleurs, il  
" s'estoit beaucoup addonné, il avoit tirer la royne  
" a l'aymer, soy deprestrant de sa femme." Valour, assiduity, and matchless impudence, were, according to the Lord Hailes, the enchantments employed by Bothwell, which have won many a heart as sage and obdurate as Mary's; but the pretext of magic, which the forger considered as a satisfactory apology, was a fiction that never could have occurred in a genuine confession. The queen and Beton were conscious that Bothwell practised no magic, nor was any inquiry attempted in Denmark, where they knew that no confirmation was to be obtained. Instead of testifying his own conviction, Beton informs her of the effect produced on her son, a boy ten years old, unable certainly to read the testament in French; and it is evident from the correspondence, that the one knew, and the other soon





perceived, that the confession which the French ambassador had been unable to procure, and which had never been sent, after Bothwell's death, to a single prince in Europe, was a mere fabrication. Three years after her execution, when her son landed in Norway, and passed a whole winter, on his marriage, at the Danish court, the curiosity of his attendants must have discovered the particulars of Bothwell's fate: his desire to vindicate his mother's innocence, would have led him to procure and to publish the original, or at least to ascertain that it was then in existence; and this circumstance is a decisive proof that the copy left by Beton to the Scottish college at Paris, or preserved with Mary's papers in the Cotton library, is a shallow forgery, and that no such Confession was ever made<sup>67</sup>.

<sup>67</sup> I need not now urge, how desperate Mary's cause must have been, when it required such a forgery for her vindication while alive. But her modern apologists, so loud and absurd in their assertions of forgery, are calm and quiescent on the only actual forgery, in the whole controversy, Crawford's excepted. No doubt Keith believed the confession which he published; but Goodall is satisfied, that if Bothwell had been delivered up, his enemies would have forged an opposite confession, an hundred times worse against him and the queen. Goodall, i. 363. Tytler, Robertson of Dalmeny, and Whitaker are mute. But Stuart, who admits the Confession to be demonstratively a forgery, regrets, on Blackwood's authority, that the real Confession, which he considers as a desideratum in our history, has never been published. Stuart, ii. 103.

10. The last is Morton's Confession, which was delivered to the clergy before his execution. Sir James Balfour had been invited, or sent from France, and from his confederacy with the Duke of Lennox and Captain James Stewart, Morton was accused and imprisoned in the beginning of January, and condemned and executed in June 1581. From a copy of his trial, which is still extant, it appears that "the jury being ripely "advised with the said dittay, taikens infallible "and maist evident, with the probation produced "and used for verifying the same, fyllit him of "airt and pairt fore-knowledge and concealing "of the murder of the king;" but the evidence on which he was condemned is not yet ascertained. Moyse, a servant of the king's household, informs us in his Memoirs, "that Morton was "found guilty of art and part, the foreknowledge "and concealing of the king's murder; especially in respect of sundry evidences in his dittay, "presented to the assize, some of which were "subscribed with his awin hand; and otherwise "it was attested by the depositions of some persons authors of that horrible fact<sup>68</sup>." The depositions were undoubtedly the same with those that were afterwards produced, on the trial and acquittal of Archibald Douglas; namely, the Declarations of Hay and Ormiston, and the first Confession of Paris, the only deposition in which

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VII.Morton's  
trial and  
confession.<sup>68</sup> Moyse's Memoirs, 54.



Morton was mentioned. Sir James Balfour was expected, on his arrival from France, to produce the bond for the murder of Darnley<sup>69</sup>; but we may be assured that it was not produced on the trial, as it was not signed by Morton, but was devised, if not signed by Balfour himself<sup>70</sup>. The bond was signed at Craigmillar, and Morton's pardon was granted at Stirling, on a promise which he had transmitted from Newcastle, by Archibald Douglas, during the baptism, that he would con-

<sup>69</sup> Robertson, ii. 506. Cotton library, Caligula, C. 6. f. 4.

<sup>70</sup> The existence of such a bond is attested by the Confessions of Hepburn, Paris, and Ormiston, and is alluded to in Archibald Douglas's letter to Mary. From that and from Ormiston's Confession, it appears to have been couched in dark and covert terms, and however strange it may appear at present, or inconsistent with Lethington's caution, it was quite conformable to the spirit of the times. Bonds of manrent, maintenance, &c. were obligations for protection and aid, in the commission of crimes. The bond of indemnity was converted by Lesly into interchangeable indentures between Bothwell and Mary's accusers; (Anderson, ii. 76.) and Causin the jesuit, in his *Histoire de l'Incomparable Reine Marie Stuart*, assures us that her commissioners produced at Westminster, not only Bothwell's contract of marriage, signed by Murray and his adherents, but also this instrument of conspiracy against the deceased king, subscribed and signed with their hands and seals, and finally the Depositions of Hepburn, Paris, and Dalgleish at their execution, acquitting Mary before all the people. In consequence of this notable fiction, she was pronounced innocent, and Murray stole away with confusion and fear. Jebb, ii. 70.

cur with his associates, in a bond to support the queen's authority and to abandon her husband: but from the whole tenor of the interview at Whittingham, the fact is evident, that he refused to concur in the murder, much more in a bond to indemnify Bothwell for the murder of Darnley, without a written warrant under the queen's own hand. Balfour himself, in his letter to Mary upon the imprisonment of Morton, explains the bond produced on the trial: "Quhairthrow  
 " (on Archibald Douglas's escape) the said erl  
 " takes the greater bauldness to deny all *things*  
 " *promisit* by him to Bothwell in that matter,  
 " except sa far as the bond, quhairoff I did send  
 " the copy to your majesty, does testify; and  
 " because I understand that some farder know-  
 " ledge of that matter is come to your ma-  
 " jestie's eiris, therefore man pray your majestie,  
 " to write unto me at length, all that your ma-  
 " jestie has heard or knawn thairunto<sup>71</sup>." In a correspondence between one of the murderers and Mary, to convict Morton as an accessory, the words themselves, that in consequence of his emissary's escape, he took the greater boldness to deny all things promised by him to Bothwell, can admit only of one construction, that the things promised by Morton to Bothwell, were communicated by Bothwell to Balfour and the queen; and

<sup>71</sup> See Appendix, No. XXXII.

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as the proof was still defective, understanding that some farther knowledge had come to her ears, he requests her to *write at length all that she had heard and known thereunto*: in other words, whatever she knew from Bothwell, from whom alone she could receive information of Morton's secret assurances, on their interview at Whittingham. The bond of indemnity would have rendered Morton a principal, and the proof complete. But the copy sent by Balfour to the queen, was the bond of the nobility for Bothwell's marriage<sup>72</sup>, the only bond produced on Morton's trial, or acknowledged in his Confession. His participation in the murder is explained in the verdict: "that he was guilty of art and part, foreknowledge and concealing" (or as now expressed in indictments, that he was guilty, art and part, of the foreknowledge and concealing) "of the king's murder<sup>73</sup>," in which his art and part as an accessory, consists in the foreknowledge and concealment, to which it is expressly confined. The first part of the verdict surprised him so much, that he exclaimed, "art and part! art and part! God knows it is not so;" and according to Hume of Godscroft's History of the House of Douglas, the words were surreptitiously introduced by Arran, the prosecutor, as some foundation for a sentence of death<sup>74</sup>.

<sup>72</sup> Keith, 382.<sup>73</sup> See Appendix, No. XXXIII.<sup>74</sup> Spottiswood, 313. Hume's Hist. House of Douglas, 352.

Whatever was the evidence on which he was convicted, the verdict corresponds exactly with his Confession, that he was previously informed of the design by Bothwell, who importuned him at Whittingham, to engage in the murder, as it was the queen's desire that Darnley should be removed.

Their interview at Whittingham has been fully explained, and it appears that he shifted afterwards from place to place, to avoid Bothwell's solicitations to sign the bond<sup>75</sup>. Being at St. Andrew's, he added, on a visit to the Earl of Angus, (his nephew, then at college,) Archibald Douglas came with writing and credit from Bothwell, to require his concurrence and aid in the king's murder, which was near a point; but he refused to answer or to intermeddle farther without the queen's warrant in writing, which had been promised by Bothwell, but was never produced<sup>76</sup>. That he was forced, by remorse of conscience, to attest her innocence on the scaffold,

<sup>75</sup> Birrell's Diary, 22. Crawford's Notes on Buchanan, 170. Hume's Hist. of the House of Douglas, 353.

<sup>76</sup> "I desired the Erl Bothwell to bring me the queen's hand wryt of this matter for a warrand and then I sould give him ane answer; utherways I wold not mell therewith, quhilk warrand he never purchassed, (reported, Calderw.) unto me;" which Cotton's transcriber has altered to, "the which warrand he never brought, *or could procure.*" Caligula, c. 6. fol. 145.



is a fiction of Strada's, transcribed by Crawford in his *Memoirs*<sup>77</sup>; and the veracity of Camden's History may be estimated from a remarkable addition to Morton's Confession, that when he demanded her majesty's written warrant, Bothwell answered, "*hoc neutiquam fieri posse, at facinus, ipsa inconsulta, conficiendum esse*"<sup>78</sup>." When the apparent justice of his sentence was urged by the clergy, inasmuch as he confessed the foreknowledge and concealment of the murder; so far from acquitting Mary of a presentiment of the design, he replied that he durst not reveal it for fear of his life. "For at that time to whom should I reveal it? To the queen? She was the doer thereof"<sup>79</sup>: I was minded to

<sup>77</sup> Jebb, ii. 108. Crawford's *Memoirs*, 46.

<sup>78</sup> This was to vindicate the queen, in describing the execution of the murderers in 1568, and as its sole foundation is the alteration made by Cotton's transcriber in Morton's Confession, I consider it as an interpolation by Cotton himself. In the account of Morton's execution in 1581, Camden adheres to the plain fact. "*Confessus enim erat, ut perhibent, Bothwellium et Archiebaldum Douglasium consilium tollendi regem impertisse, se vero, tempore tam ambiguo, non ausum aperire;*" a proof that the first was a gratuitous assertion interpolated by another, who had not adverted to Camden's narrative of Morton's death.

<sup>79</sup> Softened by Cotton's transcriber to, "she was suspected thereof," in opposition to every MS. extant in Scotland, and to the whole tenor of the Confession itself. Morton durst not reveal it to the queen, not that she was suspected beforehand of the murder, but because she was the doer thereof,



“ have told it to the king’s” (James’s) “ father,  
 “ but yet I durst not, for fear of my life; for I  
 “ knew him to be sic a bairn, that there was no-  
 “ thing told him but he would reveal it to her  
 “ again, and therefore I durst not for fear of my  
 “ life<sup>80</sup>. It is evident that he required the  
 queen’s warrant in writing, not to satisfy his  
 own mind concerning her intentions (of which  
 he could have little doubt when he considered her  
 as the *doer*), but to retain it in his custody for  
 his own vindication, if the murder should after-  
 wards be laid to his charge<sup>81</sup>. But to those

since it was her mind that the king should be taken away.  
 A copy in Birch’s MSS. 4126. coincides minutely with three  
 other copies in Scotch; Wood’s, Calderwood’s, and Pat.  
 Anderson’s MSS. which are now before me; but Cotton or  
 his amanuensis, translates the Confession throughout into  
 English, and is careful to soften Morton’s strong, and home-  
 ly expressions of the queen’s guilt.

<sup>80</sup> See Appendix, No. XXXIV.

<sup>81</sup> Mr. Chalmers in his *Caledonia*, discovers a plain  
 demonstration of the subsequent forgery of the letters, &c.  
 in Bothwell’s inability to produce to Morton any writing of  
 the queen’s, as a warrant, virtual or positive, for engaging  
 his concurrence; a proof, he concludes, that neither the  
 letters, sonnets, nor contracts of marriage supposed to have  
 preceded the murder, had any existence then. *Caledonia*, ii.  
 465. The two letters from Glasgow were written, and most  
 probably received before the interview at Whittingham. But  
 1st. Bothwell never would have communicated to Morton  
 the queen’s love letters, so significant both of their adulterous  
 intercourse, and of their intended marriage, which was not





who are acquainted with the treason laws, or with the state of Scotland at that period, the danger to which his life would have been exposed, if he had revealed what he could not, or durst not prove, will appear a sufficient reason for his concealing the design.

The Confession was first published in Thin's Continuation of Hollinshed's Chronicle, which has furnished an objection singularly absurd; that the leaf in which it was contained, was cancelled by an order from the English court. After the interview at Whittingham, Thin intimates, that "Morton opened a large discourse of the "murder, laying the cause, the contriving, and

meant to be revealed. 2d. Morton, who had "but new come out of trouble, whereoff as yet he was not red," required Bothwell "to *bring him* the queen's hand write for a *warrant*," evidently to be retained for his own security, if the crime should be transferred to him; and in his final answer to the message brought by Archibald Douglas, at St. Andrew's, he refused his concurrence, "seeing he had *not gotten the queen's warrant in write* which was *promised*." That he required a warrant sufficient for his indemnification, which Bothwell promised to procure from the queen, is farther evident from the message itself. Shaw to the Earl Morton that the queen will hear no speech of *that matter appointed unto him*. She would hear no speech of a warrant under her hand, to Morton, the indemnity required for *taking Darnley away*; and this message from Bothwell and Lethington corresponding so exactly with Morton's answer, Archibald Douglas reports in a letter to the queen herself. See Appendix, No. XXXIV.

“ the execution thereof, on great persons now  
 “ living.” And in the uncastrated copies, he  
 adds to the Confession, that “ he had not varied  
 “ from the very words of his copy, in manner of  
 “ penning it, but only in some few places of some  
 “ parts of the matter, purposely omitted, because  
 “ it contained the affairs of state, and the accusa-  
 “ tion of diverse persons now living, both which  
 “ are neither needful to be known to the common  
 “ people nor meet to be opened to others, &c.<sup>82</sup>”

From these passages it is inferred that the great persons then living, were alive in England when Thin wrote; which unfolds an unheard-of mystery of iniquity; that they were no other than Elizabeth and Cecil, whose occult share in the murder was suppressed by an arbitrary mandate to cancel the leaf<sup>83</sup>. It is in vain to ask those visionary disputants, how an expurgatory order confined to the press, could alter the numerous copies of the Confession, which are still extant and entire in manuscript. Had they consulted the *Castrations of Hollinshed*, instead of Guthrie's *History*, they would have discovered that the last paragraph alone, of Morton's Confessions, (“ Sure  
 “ I am the king shall lose a good servant this  
 “ day,” &c.) was contained in the cancelled

<sup>82</sup> Hollinshed, ii. 429. *Castrations of Hollinshed*, 433. London, 1723.

<sup>83</sup> Whitaker, iii. 252—4.

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sheet ; and that it was restored *verbatim* in the leaf inserted in its place. The fact is, that Thin's Continuation was hastily written, and corrected in the press. After a few copies were printed, the sheet was cancelled, in order to abridge a long digression on the Dukes of Lennox and Somerset, with quotations from Lesly and Roger Wall ; which were reduced from a sheet to a single leaf. Other sheets were also cancelled to retrench redundant matter, or to introduce additional information in its stead ; but no part of Morton's Confession was omitted or altered, and the order from court to cancel the leaf was a fiction of Goodall's, which Guthrie and Whitaker have converted into an order to castrate the Confession itself<sup>84</sup>. Morton's discourse concerning the murder, was omitted equally in the uncastrated copies, and the whole sheet containing his Confession remained uncanceled. The great persons then living, to whom he ascribed the cause, contrivance, and execution

<sup>84</sup> Goodall's Appendix to Crawford's Memoirs, edit. 2d. p. 26. Guthrie's Hist. vi. 384. Whitaker, iii. 253. The last writer supposes that Thin's copy was suppressed, and that the short and imperfect abstracts in Spottiswood, Crawford and Moyse's Memoirs were circulated in its stead ; id. 255. In borrowing Guthrie's objections, Whitaker had never seen Goodall's Appendix, nor the Castrations of Hollinshed, nor the Confession itself, *about* which he has written so much.



of the murder, were Mary herself, at whose desire it was perpetrated, and Archibald Douglas; both alive and both in England, where the latter was ambassador, when Thin published in 1586<sup>85</sup>. The omission itself is explained in the passage quoted from the cancelled sheet. “Because it contained the affairs of state, and the accusation of diverse persons now living, both which are neither needful to be known of the common people, nor meet to be opened to others; thereby to bring those in question, upon a report whereof no farther hold can be taken, but that there was love or hatred between the accuser and the accused<sup>86</sup>.” As Douglas, on his recent trial in Scotland was acquitted of being present at the murder of the king, Thin considered the imputation as invidious, that he and Huntley, as he had informed Morton, came with Bothwell to the Kirk of Field<sup>87</sup>. In the cancelled sheet the Confession was said to be “penned by such of the presbytery as were present, and favoured Morton in all respects, seeking to clear him of any evil imposed against him;” but Thin was ignorant of the fact, that Morton was convicted on his trial, of nothing more than what his Confession contained.

Why im-  
perfectly  
published.

<sup>85</sup> Hollinshed, ii. 459. Castrations, 421.

<sup>86</sup> Castrations, 433.

<sup>87</sup> See Appendix, No. XXXV.

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If a suspicion, however, should be still entertained, that Morton knew more than he chose to confess, no rational doubt can remain, that the judicial depositions and confessions are authentic, and contain the most indisputable evidence of the queen's guilt.

## Conclusion.

At the close of this long and minute investigation, it is unnecessary to recapitulate our former arguments, as each of the seven chapters to which the controversy is reduced, affords the same conclusion concerning the queen's guilt. Her secret participation in the murder of her husband, has been deduced so clearly from historical facts, and so firmly established by direct evidence, that it may appear surprising, perhaps, how such a controversy should have originated at first, or have subsisted so long. The fate of Peter or of Paul excites no dispute; and mankind have witnessed the repetition of those crimes that are imputed to Mary, with open indifference or with secret approbation. But the reformation had diffused a more stern and inflexible morality through Europe; and though the Scots had long been addicted to assassination, to which the age itself was sufficiently inured, it is impossible, unless we peruse the state papers and histories of the period, to conceive with what execration and horror, Mary's adulterous marriage with the murderer of her husband, was viewed by the reformers, both at home and abroad, as the consummation of her



crimes. Had she been content to retain Bothwell as her lover and her minister, whom she might discard at pleasure, she might have reigned with impunity, and no doubt of her guilt would have now remained. When in consequence, however, of her flagitious nuptials, she had been driven from her throne and paternal kingdom, a large party, religious and political, became interested in her vindication, and would have excused her crimes had she continued to reign. The papists in England had no hopes but from her succession to Elizabeth; her friends in Scotland were involved either in her crimes or in her misfortunes; and in both kingdoms, a declining party, whose existence depended upon her preservation as their leader, grasped with eager credulity at the most outrageous fictions to conceal her guilt. But the interest which her sufferings, and her long captivity, had excited through Europe, was confirmed on her death, by the unexampled trial and execution of a sovereign prince; and the innocence of the martyred queen became thenceforth an article, both of religious, and of political belief. Upon the accession of her son to the throne of England, the vindication of her character was recommended as the established doctrine at court; and during the struggles that ended in the expulsion of the Stuarts, the guilt or the innocence of Mary was adopted respectively, by opposite factions, as their first political badge of





distinction. When the controversy began to be more accurately examined, and more distinctly understood, the Jacobites continued faithful in adversity to their ancient prejudices; and the last writers of an expiring faction have struggled hard to derive a fallacious triumph from the perversion of almost every historical fact. Even at present, when those party prejudices have nearly subsided, men of lively imagination, and of acute feelings, wish, and are therefore easily persuaded, to regard Mary as innocent, in consequence of the commiseration naturally excited by her long imprisonment, her aggravated sufferings, and her tragical death. Men, however, of cool judgment, and more accurate observation, who distinguish between her misfortunes and her crimes, are impressed with a just and durable conviction of her guilt. The same distinction may be remarked among the disputants themselves. The suffering innocence of Mary is a theme appropriated to tragedy and romance; and her vindication consists entirely of popular arguments, and the misrepresentation of facts; of declamation, fiction, invective, ribaldry, and the grossest abuse. But the sober voice of impartial history, from Thuanus to Hume and Robertson, has deduced her guilt from the moral evidence which her conduct affords, and from a calm and accurate investigation of facts. The present Dissertation was undertaken to vindicate the conclu-

sions formed by those great historians, and to introduce some final certainty into a question long contested, and perplexed beyond any former dispute. Popular arguments I have ever despised; but in a Dissertation strictly controversial, I have avoided the discussion even of those probable motives of human conduct, upon which the sagacity of historians is so properly, and so successfully exerted, to discover the remote, and latent causes of human events. I have spared no pains to discover, and, wherever they were accessible, to examine the original documents in person; and if the conclusions which I have drawn, are consistent with those historical facts to which I have uniformly appealed, the participation of Mary in the murder of her husband, must rest hereafter as an established truth.



*Manuscript text, possibly a title or heading, written in cursive script.*

## APPENDIX.



## APPENDIX.

No. I. Vol. I. Page 13.

*Letter from Secretary Lethington to the Archbishop  
of Glasgow.*

MY LORD,

**E**FTER maist harty commendatioun, yisterday in the morning Monsieur du Croc dispeschit away by post ane namit Alexander Bog to mak advertysment to the Q. mother in what state the Q. majestie than was, quhilk indead was not gud, and yet at yesterday with that same bearer it was written onto your L. I think his advertysment was mayr desperate nor theyr appearit caus to many, bot trewly hir majestie was veary sair handellit and lokit hirsell for nathing bot death. Sensyne hir majestie is well releavit of the extremitie of hir seiknes, and God hes been sa gracious to this pure countrey in the delivery of her from that danger, that we have great cause to be thankful. Within three hours efter the departure of the messenger, hir hyghness began to better, and this nicht past tuk gude rest, and hes had sick natural evacuations of the humours that causit hir payne that now praysit be God, we think hir out of all danger. By reasoun of Monsieur

Brit. Mus.  
Ayscough's  
Cat. 3199.  
f. 77. from  
Mem. Scot.  
in Colleg.  
Scot. Paris.



Du Croc his advertyement, and the brute quhilk is ay swifter in evil tydings than in gude, I knew your L. wald be ay in payne till ye got new word, and thairfor I thought it my dewty to seik all occasions to mak your L. be with speid informit of the treuth of her recovery to releave you of that burdeyn. For that cause I desyrit Monsieur Du Croc to write to the ambassadour that lyes in Londoun, and I promist by my means to mak his letters be sent from Berwick to Mr. Cecill and by him deliverit in the ambassadours hands. It sall be agains my will gif your Lordship in tymes cuming be sa evill advertysit of all proceedings heir as I heare ye have bene in tymes past. The occasion of the quenis seikness sa far as I understand is causit of thought and displeasure and I trow by that I could wring further of hir awin declaration to me, the rote of it is the king. For scho hes done him sa great honour without the advyse of her frends, and contrary to the advyse of her subjects, and he on the tother part hes recompensit her with sik ingratitude, and misuses himself sa far towards her, that it is ane heartbreak for her to think that he sould be hir husband, and how to be free of him scho sees na outgait. I write freely to your L. as to a man that being employit in the chairge ye beir, suld not be ignorant in quhat estait things stands at hayme, and yit as to a frend with quhom I may safely communicat my opinion. I see betwixt tham na agreement nor na appeirance that thay sall agree weill theirefter. At leist I am assurit that it hes bene hir mynd this gude quhile, and yit is as I write. How sone, or in quhat manner it may change God knawis. Upon some bruyte that raise before her cuming out of Edinbrought, of the kings voyage towards Flanders, or some other country, scho desyrit the noblemen and others of the council to

subscryve letters to the king, Q. mother and Cardinal of Lorrain, containing a discourse of the proceedings betwix the kyng and her. I send you presently the copy of the Q. mothers letter quhairby ye will understand the haille. As any thing occurs I sall mak your L. advertysment according to all occasions sall be offered; not as the Queens secretair, because sen my returning to court I haif receaved as yit na chairge to write to your L. But as a man that is willing to do your L. pleasure and service. Giff thayr be any thing in particular ye be willing to burdeyn me with, assure yourself ye haif powar to command me, and sa leaving to trouble your L. ony farder I commit your L. to God. From Jedbrought the 24 of October at nicht 1566.

Your L. always to command,

W. MAITLAND.

## No. II. Vol. I. Page 24.

THE revival of the archbishop's consistorial jurisdiction is denied by Whitaker, who maintains, that it had subsisted from before the reformation without the least interruption. As Bothwell's divorce was the consequence of this revived jurisdiction, and the sole instance in which it was exerted, it became the more necessary to deny the fact; but the evidence to which this writer appeals, seldom fails to establish the very reverse of his assertions. The jurisdiction of the spiritual courts was abolished, and the causes were transferred to the civil judge, by the parliament 1560, before the arrival of Mary, who made no attempt to oppose the acts passed by the protestants with whom she temporized. "Item thair is certain statutes and ordonancis maid, in quhat manner appellationis and supplicationis *per modum querelæ*, sould be pursuit befoir the *temporal judge*, and na mair befoir the *spiritual judge*, and siclyke, how letteris (writs) sall be geven upon acts without cursing (excommunication) upon liquidate dett, and four formis for fulfilling of ane deed." Heads of acts made in the parliament 1560. Keith, 152. In the act of council establishing commissary courts, (Dec. 28, 1563,) "the causes quhilk the poir leigis had decidit in the *consistorie*, of befoir, be lang delay of justice are frustrate, and thay compelled to leif the suit of the said caussis; thairfore that the saids caussis may haif the mair summar proces and shorter end," jurisdictions are erected, "in sundrie partis of this realm for discussing the saidis cauis, and commissaries appointit to gif attendance thairupon." Keith, 251. This act is preposterously quoted as a

proof that the consistories existed then, with a concurrent jurisdiction, when the commissary courts were erected; (Whitaker, iii. 373) in opposition to the plain and obvious meaning of the words, that the causes decided in the consistories formerly, or *of befoir*, were frustrated by long delays, since they were transferred to the temporal judge; and commissaries are therefore appointed for the summary decision of the said causes, formerly competent to the consistorial courts. In the queen's letter to the court of session, March 1, 1563-4, for "directing letters (issuing writs) on the decret of the commissaries newly chosyn; For asmeikle as be *cessing of the jurisdiction* of the consistories of our realm, the actionse quhilks wer *wont to be* discussit thairin, hes takin sic lang delay that the lieges of our realm hes been greatly indamnagit thairthrow, we haif gifen commission to certain comissaries to discuss and decern sic causis as wes decyded *of befoir* in the consistorie;" and by another letter, July 24, 1564, the commissaries are authorized, on the death of persons intestate, to appoint executors, and give datives, or letters of administration, "siclike and in the same manner as the *bishoppis of auld wer wont to give*." Acts of Sederunt, 5-7. The consistories, therefore, had ceased in consequence of the acts 1560, before the commissary courts were erected; and the revival of the archbishop's consistorial jurisdiction is proved by the following record of the signature itself.

*The Archbishop of Sanct Androis.*

(Privy Seal Record, Book 35. fol. 99.)

Ane letter maid *restoring and reponing* our soverains weill belovd and traist counsallor Johne Archbishop of Sanct Androiss primat and legat of Scotland; To all

and sundrie his jurisdictions als weil upoun the south as nort sydis of the water of Forth within the diocis of Sanct Androiss, Quhilk *pertenit* to the Archbishoprik of the samen; to be usit by him and his commissaries in all tyme coming in the same manner and form of justice as it is *now usit*: with all and sundrie commodities usit and wont pertaining thereto. *Discharging by* their presentis all utheris commissaries, clerks and utheris commissaries *now establishit* thairintil, of thair offices farder in that pairt. With power to thair said traist counsallor Johne Archbishop of Sanct Androis to *cheise commissaries clerks*, and *utheris officiaris* throuhout all his saidis jurisdictions, to *minister justice* thairintill, and to confirm all and sundrie testaments be himself and his deputies in the samen moid as thay are *usit at this present*. And siclike, That all testamentis within this realm, above fiftie poundis, may be confirmit in all tymis be him and his commissaries, Siclike as they wer and are confirmit be the commissaries *now present*. And generallie that he use all and sundrie his jurisdictions donations of benefices and privileges like as he or any of his predecessors lies usit *of befor*, in all manner of sortis. Provyding always that the Lordis of thair session be thankfullie payit of sa mekle of the reddiest of the cottis of the saidis testamentis as sal cum to the saids traist counsallors parts *pro rata* yeirlie of the soume of ane thousand sex hundret pundis quhilk thay haif grantit of befor to the saidis Lordis of Session, to be tane of the reddiest of cottis of testamentis of the haill diocis of Scotland; notwithstanding any act or gift geven be thair hieness, in ony tyme by past in the contrair. Charging alswa the Lordis of Sessioun to gif letteris for forefilling and obeying of this thair present will and restauration, in dew forme as effeires



&c. At Striveling this xxiii day of December the yier of God 1566 yiers.

In opposition to this record, the instances quoted by Whitaker, (iii. 370. 541) of a consistorial jurisdiction after the reformation, amount to nothing. Marriage might be annulled by the canons, as void *ab initio*; but as marriage was a sacrament, divorce was precisely limited to a separation *a mensa et thoro*. The reformers in Scotland, however, thought that the adulterer should be cut off, and that the innocent party should be permitted to marry again. But if the offender should be foolishly spared by the civil sword, and on fruits of repentance, reconciled to the church, then, on urgent necessity, for fear of further offence, he might use the remedy (of marriage) ordained by God. First Book of Discipline; *Marriage*. In conformity with these doctrines, the assembly of 1562, applied to the privy council to transfer actions of divorce to the church and its sessions, or else to establish judges of good repute (the commissaries) to decide such questions; and an appeal was made to the assembly 1563, from the Bishop of Orkney's sentence in a cause of divorce. Keith, 515-24. The sentence undoubtedly preceded the reformation, as the next question before the assembly was the reversal of Hamilton the martyr's sentence in 1532; and the Bishop of Orkney, a protestant, far from possessing a consistorial jurisdiction, had already obtained for a year, a commission as superintendant, from the same assembly to which the appeal was made. The new doctrine of divorce was not yet recognised by the civil judges, and the example merely proves, that before the appointment of commissaries, the assembly assumed the review of questions decided formerly in the consistorial courts.



The other example is not more to the purpose. A paper published by Tytler, (ii. 401) containing a proof of the consanguinity between Bothwell and his cousin, Lady Jane Gordon, is assumed by Whitaker (iii. 517) as a judicial act of the consistorial court. It is dated February 21, 1565, the day before their marriage (Prescott, 217); and is, evidently, an extrajudicial attestation of propinquity, as the first step towards a dispensation, "in the quhilk dispensation passit between them, sic process was usit." The proof was taken, not in consistory, but in the chamber of the commendator of Lindoris, Bishop Lesly, Bothwell's procurator, before whom and Lady Jean Gordon's procurator, it is attested by Forest, rector of Logie Montrose, *protho-notarius ac datarius prefati domini, reverendissimi domini legati*. A verbal process taken in Lesly's chamber, and attested by the archbishop's secretary, as prothonotary and datary to his legatine powers, proves the very reverse of a consistorial court. It was merely the evidence on which a clandestine dispensation was probably granted by the legate, or his datary, which required to be confirmed, if I am not mistaken, by the court of Rome.

The revival of such extensive jurisdictions, was undoubtedly the immediate consideration for which the archbishop concurred in the murder, and in Bothwell's divorce from his wife, and in his marriage with the queen. Knox, however, in whose history the preceding signature to the archbishop is mentioned, the general assembly that framed a supplication against it, Calderwood who transcribes a letter from Knox to enforce the supplication, are all respectively accused of forgery, (Whitaker, iii. 510-21-8) and it is amusing enough to see the records and histories of the church of Scotland

condemned as forgeries, by one who had no access to its records, and was ignorant even of its literary history. The first edition of Knox's history was printed at London in 1581; but before the printing was finished, the work was suppressed, as it contained affairs of state. The fifth book was neither written by Knox, nor by Banantine his amanuensis, as it is not contained in a single MS. of the age; but was compiled from his papers by David Buchanan, who published the history in 1644, in quarto at Edinburgh, and in folio at London, in which last edition, among other alterations, Knox's letter, though inserted in the quarto, was omitted as tedious or unimportant to the English reader. Mathew Crawford, in 1732, republished the four first books *verbatim* from the original MS. but reprinted the fifth preposterously, in the Scottish orthography, from the English edition: and Whitaker, who might have known that Knox did not write the fifth book, though compiled from his papers, (Crawford's edit. preface, 51-3) accuses Calderwood of forging a letter in that reformer's name, who knew nothing of it, because it was not contained in Crawford's edition; the only one that Whitaker had the patience to consult. From these fruitful mistakes, Knox becomes "a mere protestant Jesuit, the brother forger of Buchanan, with the honours of forgery blushing strong upon his brow; (Whitaker, iii. 518-20-1) because a signature still extant, and on record, is mentioned with its consequences, in an addition to his history by another hand. The church of Scotland itself is accused of forgery, because its records contain a supplication against the signature; and Calderwood, because he quotes a letter from Knox, to recommend the supplication.

But there is nothing so familiar, or so well established, even in public treaties, as to escape the imputation of forgery from this divine. The concessions to the Scots, in the treaty of Edinburgh, are rejected as a forgery, because the copy preserved in the Cotton library is attested by Murray, Ruthven, and Maitland, "villains whose touch carries such contagion with it, that whatever paper has passed under the hands of those political harpies, is marked and polluted with their defiling claws." Whitaker, iii. 41-2. In the negotiations at Edinburgh for a peace with England, a direct treaty with the lords of the congregation was deemed derogatory to Francis and Mary; but Elizabeth could not desert her allies, nor could the French troops be withdrawn from Leith, where they were straitly besieged, or preserved without a treaty, in which the Scots were included. It was concerted, therefore, that the articles or demands of the congregation should be granted, not as terms of peace, but as concessions of special indulgence, to be confirmed, however, in the treaty with England, and a new commission was necessary, to enable the French deputies to grant concessions, or in plain language, to treat with the Scots. The first commission to Monluc and Randen, at Chenonceau, May the 2d, 1560, was accordingly transcribed in a new commission to the same deputies, dated Remorentin, June the 2d, to transport themselves, in the same terms with their former commission, to the frontiers of Scotland, in order to treat with the English commissioners for peace; with additional powers "to assure our subjects of Scotland, that notwithstanding their grievous crime of rebellion, if they return to their obedience, we shall receive them into favour, desirous

of nothing more than to see them living under our obedience in repose, union, and tranquillity; and generally to execute all that we could, if present in person, although circumstances should occur, which might require a more special mandate than this commission." Keith, 144, translated from Caligula, b. ix. fol. 126, Cotton Lib. The commission is dated the first and sixteenth, instead of the eighteenth, years of their reign, and this is a positive demonstration of forgery; (Whitaker, iii. 42.) as if a mistake concerning the precise date of Mary's reign in Scotland, were not more likely to be committed by the French secretary or clerk at Remorentin, than by the lords of the congregation'. As the commission neither revokes nor refers to the former, which it was not meant to supersede or to alter; but professes necessarily to be the very commission from which it was transcribed; these are additional demonstrations of forgery; (id. 464) but the conclusive detection is this: As nothing more was intended by the first commission than a pardon for the rebellion or reformation in Scotland, the new commission, and the concessions or terms in the treaty of Edinburgh, are altogether forged; (id. 467).

It is needless to appeal to the history of the times, when the congregation, possessed of the whole power, and ready to expel the French from Scotland, never would have submitted without stipulations for their civil and religious demands. But the concessions made to the Scots in the treaty of Edinburgh, are authenticated by the most indisputable proofs. Mon-

1 Such mistakes are not uncommon. A deed of James VI. is dated 13 September, the eleventh and twenty-eighth, (instead of the forty-seventh) year of his reign; 1614. *Edinburgh Weekly Magazine*, vol. xxi. p. 391.

luc, Bishop of Valance, after an ineffectual journey to Scotland, had returned to London, before Randan's arrival with the first commission, and from the temper and demands of the congregation, a new commission was obviously necessary to treat with the Scots. Forbes, i. 456-60-66-80-8-502. Cecil, one of the English commissioners, in his letter, June 23d, transmits an abstract of the French answers to the articles or demands of the lords of the congregation, which are still extant in the Cotton library; and in his subsequent dispatches, the whole progress of the treaty is distinctly explained. Haynes 331. On the 5th of July he writes, "That the articles of our treaty are written out, but that the treaty between the French and Scots could not be concluded before six that evening, nor written before to-morrow, when that and ours would be signed and sealed." (id. 349.) Next day, July the 6th, he writes that the treaties were both signed and delivered; enumerates the articles in the treaty with the Scots; explains the difficulty of obtaining from their majesties of France an obligation to Elizabeth, for their performance of conditions to their own subjects; "For so the world shall say that he (Francis) is forced by your majesty thereto, (as in truth he is, although it may not be said so to Frenchmen) next the Scots shall hereby owe all the favour which they receive from their king or queen to your majesty, as in truth they do, though it may not be said so to the French; and to make a cover for all this, these ambassadors were content to take a few good words in a preface to the same article, and we content with the kernel, yielded to them the shell." id. 352. In his letter of the 8th, he recapitulates the principal heads in the accord of Scotland, precisely as they are contained in the treaty in question; and as the sup-



posed forgery must have been of the same date with the real treaty contracted with England, no man in his senses can believe for a moment, that Cecil would connive at [the one,] while conducting the other; and that for the sole purpose of deceiving Elizabeth, and her allies the Scots. Whitaker, iii. 493.

But the conditions of accord with Scotland, are confirmed by an article of the treaty with England, with a preface exactly as explained by Cecil, to prevent the apparent dishonour of the king and queen of France. "Seeing the most christian king and queen have granted their assent to certain *supplicatory petitions* presented by the nobility and people of Scotland, and being desirous to have their said benignity attributed to the good offices of the said Elizabeth, &c. Therefore it is agreed before the said commissioners of both parties, that they shall fulfil *all those things* which by their said commissioners they have granted to the said nobility and people of Scotland at Edinburgh the 6th day of June this present year; provided that the said nobility and people shall fulfil and observe all those things that are contained in the *said articles and conventions* to be performed on their part." Keith, 135 The *supplicatory petitions* can relate to nothing else than the complaints and demands of the congregation, which, in every treaty with the sovereign, must assume the form of supplication: *all those things* which their commissioners had granted at Edinburgh on the 6th of July, or which are contained in the said articles and conventions, must relate to something more than a general pardon, as Whitaker supposes, (iii. 469) on the one part, on condition of obedience on the other, concerning which the preamble was unnecessary as a salvo for their honour, in a treaty with Elizabeth; and



*the said articles and conventions* are evidently *all those things* granted in the concessions, or treaty with the congregation, of the 6th of June, by the three first articles of which, on the complaints and petitions of the nobility and people, the French troops were actually withdrawn, the fortifications of Leith were demolished, and Dunbar was restored to the Scottish estates.

If additional proofs are necessary, the fourth article petitions for, and obtains a parliament to be held on the 10th of July, to be adjourned till August 10th, that the French deputies might procure an intermediate ratification from the king and queen; the fifth article provides that peace and war should be determined as formerly, by the advice of the estates; the sixth that the privy council should be appointed by the queen and the estates, out of twenty four persons, whom the next parliament, in terms of the treaty, chose and transmitted their names to the queen (Keith, 752, Appendix. 91); the seventh, that no foreigners should be admitted to office; the eighth, that an act of oblivion should be passed in the next parliament, to which, by the ninth article, all in use to be present were admitted; and the remaining articles relate to mutual indemnity, submissive obedience, religion and peace. The parliament was actually adjourned till August, that the treaty might be ratified by the king and queen; but as no ratification arrived, a full week was spent in debating on its validity, which was sustained as ordained by the treaty of peace. As the French deputies declined to interfere, the parliament was permitted by the treaty to remonstrate on the state of religion to the king and queen; but the parliament proceeded to establish the reformed religion, and when its acts were transmitted to the queen to be ratified, (Keith, 193.

Append. 91) the objection was obvious, and unavoidable if true, that the treaty by which it was held was a forgery. The act of oblivion passed in this parliament was renewed by Mary in 1563, at the intercession of the nobility, not as a part of the treaty which she was determined never to ratify; (Spottiswood, 188) but the authors of a forged treaty would neither have applied to the queen to confirm its articles, nor would the objection have remained a secret till discovered by Whitaker, that the whole treaty was a forgery, unknown to the queen herself. *Le- raisons pour laquelle la Royne M. ne ratifie le traite d' Edinbourg, 11 Aoust 1561.* Cotton Lib. Caligula, b. x. fol. 34.

As a preliminary to other suppositious forgeries, I have dwelt the longer, in this note, on the conjectures of a writer, who rejects all historical evidence whatsoever, in order to condemn the treaty of Edinburgh, as a forgery devised by Murray with Cecil's consent. A mistake contained in a few lines may require some pages of controversy before it is obviated; but I trust that the sentences which I have bestowed upon the subject, are not nearly so numerous as the pages of scurrilous declamation which they are employed to confute. Whitaker, iii. 40-3. 370-9. 463. 543.

## No. III. Vol. I. Page 28.

*Cecil's, or Murray's Diary, as it is generally called.*

Cal. B. ix. Fol. 247.

## SCOTIA.

1566. *Junii* 19. King James the Sixt was borne.

*Julii* 20. or thairby, she fled the Kings company and past be boytt with the pyrattis to Alloway, whair the king cuming, was repulsit.

*August* 13. The Q. past to Meggitland to the Huntis: frome the byrth of the prince to this tyme the king wes putt to abyid in Dalkeyth, and after the returninge frome the Hunts of Meggitland was sent to Striuling. About this tym my L. of Murray aggreit the king and hir and thay past to bed togydder.

*Septemb.* 24. She ludgit in the Chekker hous and mett with Bothwell. The king cumying from Striuling wes repulsit with chyding.

*Octob.* 7. My Lord Bothwell wes hurt in Lyddysdaill and the Q. raid to Borthuik.

8. The Q. wes advertest and haistytt to Jedbrough and frome thence to the Hermitage and contractit her seeknes. Returning to Jedbrough whair she remaynit to the fyrst day of November that Bothwell wes convalescit. Heir the king wysit hir and wes repulsit.

*Novemb.* 5. The Q. and Bothwell cam to Kelso and abed 2 nychts.

7. Thai cam to Langtoun.

9 Thai cam to Wedderbourn.

10 Thai cam to Coldinghayme quhair the lady Reres and those in hir cumpanye were takin be the watch.

*Novemb. 12.* Thai cam to Dunbar and remaynit three nychts.

16. Thai cam to Tamtalloun to the Lard of Bass.

17. Thai boyth returnit to Craigmiller and began to raison upon the dyvorce betuix hir and hir husband the King, and thair abood to the 3 of December. In this tyme the Kyng cam furth of Striuling and offred him self to hir and was repulsit.

*Decemb. 3.* Thay came to Edynbrough; and hir speciall cayr wes upon the Erle Bothwell's preparations of cleything for the baptisme: about this tyme came my Lord of Bedford in to Edynbrough.

5. Thay past to Striuling, tuick the King frome his ludging in Williame Bellis hous to the castell, and placed him worray obscurly thair.

17 *Decembris.* The prince now our Souverayne wes baptised, and thai remaynet after to the 24 thair.

24. Thai departed to Drynmen to my Lord Drumonds (my L. Bedford being departed the day before to Sanct Andrewes) and remaynit thair 5 days and after in Tulybardin 2 days; and the King wes now departed to Glasgow wher he fell deadly seck.

31. Thay returnit to-gyther to Striuling and thair remayned to the 14 of January.

*Januarii 6.* The Secretarye wes maryt in Striuling.

14. Thai returnit and brought the prince with thayme to Edynbrough. Remayned to the 21 of Januar and thane wes the Q. going to Glasgow.

21. The Q. tuck her journey towards Glasgow and wes accompanyit with Erles of Huntly and Bothwell to the Kalendar my Lord Lewisteins place.

23 The Q. came to Glasgow and on the rode met hir Thomas Craufurd frome the Erle of Lewenux and Sir James Hamilton with the rest mention it in hir

letter: Erle Huntly and Bothwell returnit that same nycht to Edynt and Bothwell lay in the Toun.

*Januarii 24.* The Q. remaynit at Glasgow, lyck as she did the 25 and 26, and hayd the conference with the King whairof she writtis, and in this tyme wrayt hir byble and utheris letteris to Bothwell. And Bothwell this 24 day wes found werray tymus weseing the Kings ludging that wes in preparing for him and the same nycht tuck Journey towards Lyddisdaill.

27. The Q. (conforme to hir comission as she wrytts) brout the King frome Glasgow to the Kalendar towards Edynbrough.

28. The Q. brought the King to Lynlythquow, and thair remayned all morn, quhile she gatt word of my Lord Bothuell his returning towards Edynbrough be Hob Ormistoun ane of the murtheraris. The same day therle Bothuell came bak from Liddisdaill toward Edynbrough.

29. She remayned all day in Lynlythquow with the king, and wraytt from thence to Bothuell.

30. The Q. brought the King to Edynbrough, and patt him in his ludging quhair he endit, and Bothuell, keipping tryist, met hir upon the way.

*Februarii 5.* Thursday. She ludged all nycht under the King in the chalmer quhairin the poulder was layd therafter, and whairof Paris hir chalmer child resaved the keye.

7. Fryday. She ludged and lay all nycht againe in the forsaid chalmer; and frome thence wraytt, that same nycht, the letter concerning the purpose of the abbott of Halyrud house.

8. Satyrday. She confronted the king and my lord of Halyrudhouse conforme to hir letter wryttin the nycht before.

9. Sondag. She and Bothuell soupped at the banquet with the bishop of the yills and after past oup accompanyt with Argyll Huntly and Bothuell to the kings chalmir, and thair she remaynit cherissing him quhile Bothuell and his complices hayd putt all things to ordor, and Paris hir chalmir-child hayd resaved in hir chalmir the pulder, and came up againe and gef the signe, and they departed to Bastienis banquet and masque about 11 hours, and thairafter thai baith returnit to the Abbay and talkytt quhile 12 hours and after.

*Februarii* 10 Betuix 2 and 3 of the klok the King wes blawin in the ayre by the poulder.

11. The Q. wrayt to my lord of Lewenux promising to tak tryall.

12. The Kings body wes brought down and layd in the chappell and She remaynit at Edynbrough with Bothuell to the 25 heirof; in this meyn tyme were money placards sett oup. And Hary Killygrawe arry-wit frome the Q. Ma<sup>te</sup>.

21. They past togydder to Seytoun and thair past tyme meryly to the 10 of Marche, quhile le Crok the Franche ambassadour persuadit hir to return to Edynbrough.

*Marche* 10. They returnit to Edynbrough be persuasion of Le Crok, quhair thai remaynit whill the 24 of the same, erneastly trying the oupssetting of the placards, but newer word of the kings murther: at this tyme my lord Regent purchaist leif to depart.

24. They returnit againe to Setoun, and thair past thair tyme meryly in all solace, quhill the 10 of Apryll 1567.

1567. Apryll 5. The second contract of mariage, *per verba de presenti*, wes maid and wryttin be my lord of



Huntly, who, for his restoring againe the forfaltour, haid purchassed ane procuratorye subscriwit with his sisters hand then wyif to Bothuell: and thair wes the counsale haldin for the clensing of Bothuell.

9. My lord Regent departit furth of Scotland.

10. They returnit to Edynbrough to Bothuell's clenging.

*Apryll* 12. Quhilk wes Setterday Bothuell wes clangit werray straingely as the process beysr.

14. Quhilk wes mounday, the first day of the parliament sett only for reduction of my Lord Huntleys forfaltour.

18. Quhilk was fryday, the day of the summons of reduction of the Erle of Huntleys forfaltour.

19. Quhilk wes setterday, the Decreytt of Reduction wes gewin for therle of Huntlye and all his friends. The same nycht the lordis past the band after supper to therle Bothwell, being drawin secretly be him to the supper.

21. Viz. mounnday, the Q. rayd to Striuling as it wes dewysed, and frome thence wreyt the letteris concerning the purpose dewysed of hir rawising: whair Huntly came to hir and began to repent him; in the mean tyme Bothuell remayned at Edynbrough assembling his forces.

23. She cam to Lynlythquow and Bothuell came to Haltoun hard by.

24. She sent therle of Huntly to Bothuell in the morning, quha mett hir upon the way, seamit to rawishe her, and tuck Huntly and the secretary prisoners, and led thaim all to Dumbar, and thair remanit to the 3 of may.

26. The first precept for the partising of therle Bothuell and his wyif, wes direct furth frome the comissayr of Edynbrough.

27. The second precept of partising before Mr. Jhone Manderstoun commissair to the bishop of Sanctandrois, wes direct furth.

*Maii 3.* She wes conveytt be Bothwell and all his friends with sperris to Edynbrough castell, and for fear of accusation kast thair speres frome thayme be the way, and the next Sounday hir bannis wer proclamit be her awin precept subscriuit with her hand.

*Maii 12.* She came with Bothuell out of the castell to the tolhwyth before the lordis of session, and tuck her protestation and act thair of hir liberty, and so past togydder to the Abbay.

15. Thay wer publicly mareit after bathe the sortis of the Kyrk reformed and unreformed, and remaynit to the 7 of Junii.

*Junii 7.* He purposed ane Rayd against the lord Howme and Farnherst, and so past to Melros and She to Borthuik.

11. The Lordis came suddenly to Borthuik. Bothuell fled to Dunbar, and the lords retheyred to Edynbrough; she fallowed Bothuell to Dunbar disagwisid.

15. Thay came frome Dunbar to Carbarrye hyll, quhair the lordis mett thayme. The erle Bothuell fled and she came to Edynbrough with the lords.

16. She past to Loychlewin and thair remaynit to the second of maii 1568.

20. Dalgleshe Chalmerchild to my lord Bothuell wes takin and the box and letters quhilk he brought out of the castell; about this tyme my lord Bothuell fled be sea to the northe.

*Julii 24.* The Q. maid resignation of hir crown in fawour of hir sonne nou our souveraine, and past commissions of gouvernement. At this tyme Syr Nycholas Throgmortoun was in Scotland.

29. The king wes crownit at Striviling. Middilmoir wes present.

*August 14.* My lord of Murray now Regent returnit furth of France and came to Edynbrough.

17. My Lord past to Loychlewin and spak with the Q.

22. My lord nou Regent wes mowit to accept upon him the commission of Regentrye, and geff his sylemnit ayth for dew ministration.

*Decemb. 5.* The parliament wes baldin and all things confirmed thairin.

1568. *Maii 2.* The Q. escapit furth of Loychlewin, and came to Hamiltoun; my lord being in Glasgow.

13. The field wes strykin at Langsyid, besydis Glasgow.

15. Maister Myddlemoyr sent frome the Q. Matie. caused my lord frome thence furth absteyn frome armour and violence.

## No. IV. Vol. I. Page 43.

The conclusions in the text are far more forcibly stated in the following letter from Thuanus to Camden.—“*Nam demus, quod ab diversa tradentibus jactatur, Moravium, ambitione ardentem, scelerate regnum apetiisse; (quod tamen constanter negant omnes fide digni Scoti, quoscunque mihi alloqui contigit, etiam ii, quibus alioqui Moravius ob religionis causam summe invisus erat; nam verum fuisse aiebant extra religionis causam ab omni ambitione, avaritia, et in quenquam injuria alienum, virtute, comitate, beneficentia, vitæque innocentia, præstantem; et qui nisi fuisset, eos, qui tantopere mortuum exagitant, hodie minime rerum potituros fuisse;) sed demus illum, calcata omni divini humanique juris religione, tantum animo scelus concepisce, quo tandem consultore et adjutore ad rem exequendam usus est? Primum omnium constat nunquam ullas capitaliores inimicitias, quam inter Moravium et Bothuclium, exarsisse. At quis sibi persuaderet, inter tam infestos de tanto scelere, qualis in regem conjuratio fuit, consilia agitari potuisse; aut sperari, ut secretum, quod ad illam requirebatur, inter eos servaretur? Deinde, quis credat Moravium, tantas cum Botuelio inimicitias exercentem, post patratum scelus, sorori parricidæ in virum ducendi, auctorem fuisse? Aut reginam tam supino ingenio fingi posse, ut fratri, infames juxta et periculosas nuptias suadenti, aures præbuerit? Denique, cur Moravius post hæc omnia sponte in Galliam secessit, si ex his turbis commodum aliquod sperare præsentia sua potuit? Aut cur, postea revocatus, tanta fide, rege infante, regnum administravit, et adversus Hamiltonios imbecillam ejus ætatem tutatus est, si per regis calamitatem regni occupandi spem*

conceperat? Nam minus invidiosum et periculosum illi era cum Hamiltoniis, si rem perfecissent, perduellibus, de imperio decertare; quam sororis filium, a matre regnique ordinibus tutelæ suæ commissum, opprimere. Postremo, quid aliud, quæso, in causa fuisse putas, cur Hamiltonii, qui tyrannidem adfectabant, in Moravii necem conspiraverint; quam quod superstitute tam strenuo regiis infantis regnique vindice, de successu desperarent? Ex adverso, apud animum tuum reputa, familiarem plus, quam oportuit, reginæ, etiam ante parricidium, cum Botuelio consuetudinem; regis miseri apertum post Rizii cædem odium; et ex eo contemptum; dinde post parricidium, annitente regina, festinatum de Botuelii, qui non solum facti suspectus, sed omnium opinione quasi convictus habebatur, innocentia iudicium; moxque dissolutas turpiter Botuelii cum Gordonia uxore nuptias, ut alias mox turpiores contraheret. Nam raptum illum quis non rideat? Aut non potius ex iis, quæ memoravimus, necessario colligat, ingentis animi scæminam, nisi suoapte ingenio et præoccupata diu ante voluntate ad id fuisset inducta, nunquam tam facile in illas nuptias fuisse consensuram; aut eas postea tam artificiosis literis apud nos excusaturam? verum hæc tecum, et semotis arbitris. Nam quenquam accusare, aut ullius defensionem suscipere, neque his brevibus literis neque toto opere nostro instituerim. Nam ab omni insectatione et obtreptione, ut mens, sic stilus abest: et me plurima lenitate mollivisse, quæ alii acerbius scripserant, ipsa lectione comperies. Rem, ut ex Scotorum, qui interfuerant, sermonibus didici, et a literis mandavi; et ad eorum fidem scripta a Buchanano expendi. De cætero nigrum in candidum in cujusquam gratiam convertere, neque animus ab initio fuit, neque nunc esse debuit," &c.—*Camdeni Epist.* 73. *Thuani Opera*, i. 40.

## No. V. Vol. I. Page 48.

*Double of the Council's Letter to the Queen Regent of France concerning King Harry's murther, sent by Lethington and subscribed by him.*

MADAM,

L'ESTRANGE fortune advenue en ceste ville la nuit passe, nous constraint prendre la hardiesse de vous escrire ce petit mot pour donner a entendre a vostre, le malheureux faict qui a esté perpetré en la personne de Roy, d'une façon si estrange que l'on n'a jamais ouy parler d'une semblable entreprise. C'est qu'environ les deux heures aprez minuit, son logis, lui estant couché en son lit, a esté enlevé en l'air par force, de poudre a cequi l'on en peult juger par le son et la terrible et subite execution, qui a esté si vehement, que, d'une salle, deux chambres cabinet et garderobe, il n'est rien demeure que tout ne soit emporté loing de la et redigé en pouldre, non seulment la couverture et plancher, mais aussi les murailles jusque au fondement, de sorte qu'il n'est demeuré pierre sur pierre. Et en failly de bien peu, ceux qu'ils sont autheurs de ceste mechanceté, qu'ils n'ayent par meme moyen destruit la Royne, avec la plupart de sa nobless & seigneurs qui sont pour le present en sa suytte, qui y ont esté avec le Roy en sa chambre jusque bien pres de minuict. Et peu s'en est faillie que sa majestie ne soit demeurée pour y loger toute la nuit, mais Dieu nous a esté si favorable, que ces assassineurs ont esté frustréz d'une partie de leur attente, ayent reservé sa majestie pour en prendre la vengeance telle que merite un act si barbare et inhumain. Nous sommes apres les en-

Brit. Mus.  
Ayscough's  
Cat. 3199.  
from Mem.  
Scot. in  
Colleg.  
Scot. Paris.



questes, et ne faisons doubte q'un bref nous venons bien au bout de scavoir ceux qui l'ons perpetré. Car Dieu ne permectra jamais qu'une telle meschanceté demeure cachée ou impunié, l'ayent une foys decouverte, vostre majestie et tout le monde cognoistra que le pays d'Escosse ne voudra longuement endurer qu'une si grande honte luy demeure sur les espauls qui seroit bastante pour la rendre odieuse par toute la Christianete si semblables malheuretéz demeurassent cachées ou impunyes. Nous n'avons vouler faillir de faire ceste advertissement aux majestéz du Roy et la vostre, par ce gentilhomme present porteur, le Seigneur de Clareault, qui vous en rendra compte par le menu de toutes les circontances comme celui qui est bien informé. Pour cest effect ; estant sa sufficance telle que sur luy nous remeterons la surplus pour n'importuner de plus long lettre vostre majestie, à laquelle nous baisons les mains et prions Dieu, Madam vous avoir en sa sainte garde. De Lislebourg ce 10 De Feurier 1566.

Archieps.	Sanct Andrew	Ergyle	Huntlie
	Athol	Cassilis	Bothwell
	Caithness	Sutherland	Alex. Epis. de Gallovidii
Jo. Epis.	Rossensis	Rob. Thesaurar	Levynston
	Flemyng	Bellenden	Sec. Maitland

## No. VI. Vol. I. Page 59.

BOTHWELL, Sir James Balfour, and his brother Gilbert, Mr. David Chalmers, Black Mr. John Spence, Signior Francis, Bastian, Bourdeaux, and Joseph, (Rizio's brother) were the persons named by Lennox as accused in the placards. From the discrepancy between this letter as inserted in Bothwell's trial, and the copy produced by Lennox at Westminster, Whitaker concludes (iii. 235.) that the former was forged by Buchanan; as if Murray would voluntarily produce, on the 7th of December, a fictitious letter, instead of the genuine one, which the commissioners had already, (November 29th,) received from Lennox, and by an unnecessary forgery, would expose himself to immediate detection. Anderson, iv. 120—74. But Mary's next letter, March 23d, is an answer to the letter inserted in Bothwell's trial, not to the copy produced by Lennox at Westminster. This last, when inspected, is evidently a rough draught of the letter, in which many words are erased; it is dated xvi of March, 1566, without any place, and the date itself has been added afterwards, in a different hand, apparently Cotton's. Caligula, b. x. f. 396. But the first is dated "Of Houston this xvi. of March," and Mary's answer begins, "We have ressavit your letter of *Houston* the xvi of this instant." The copy produced by Lennox, required the queen to arrest the persons named in the placards, to assemble the nobility, and by proclamation, *admonish the writers to appear*; when, if they fail to do so, the persons accused of the murder might be *relcased*, by advice of the nobility and council. The letter inserted in Bothwell's trial required her to arrest the persons named in the tickets,

and with all diligence to assemble her hail nobility and council, and then to *take such perfect order, with the fore-named persons that they might be justly tried.* The queen's answer accordingly is, "For the convention of the nobility and council, we have preventit the thing desyrit by you in your letter, and hes sent for thame to be at us in Edinburgh this oulk approcheand quhair the persons nominate in your letter sall abyde & underlye sic tryal as be the laws of this realm is accustomit:" Anderson, i. 47—8. ii. 111. an obvious answer to the second requisition to assemble the hail nobility and council that the forenamed persons might be duly tried, not to the first requisition to assemble the nobility and to summon the writers of the tickets by open proclamation, that if they fail to appear, the persons named in the tickets might be released. Lennox kept copies of his letters to Mary; but his last letter, naming those mentioned in the tickets whom he greatly suspected, requiring greater deliberation, was written anew; his acknowledgment for the wardship of Lennox, was omitted: the whole requisition was materially altered; and he retained the first draught, which he produced at Westminster, while the letter actually sent, to which alone the queen's answer refers, was produced in the justiciary court, and inserted in the trial. If Whitaker had consulted the MS. in the Cotton Library, or considered to which of the two copies Mary's letter is an answer, he would have found an easy solution of the forgery ascribed to Buchanan.

## No. VII. Vol. I. Page 62.

Upon the xvij day of April MDLXVII. the day before the reduction of the Earl of Huntlies forfeiture in parliament, the said Earl, by an obligation registered that same day in the Register of Bonds in the Court of Session ;

Obliges himself to James Earl of Murray, for the great favour which Murray bore towards him, and for his ardent requests made to the queen's majesty in Huntlie's favours concerning the reduction of the domes of forfeiture led against him and his father, to keep the tacts set by Murray of the castle lands of Inverness, with the forrestership of the wood for xix years ; and also ratifies to the said Earl the earldom of Murray and lordship of Abernethy, and undertakes to cause his mother renounce all tacks, title, right and possession which she might claim thereto ; and also renounces ail right, title, property, and possession which he had or might have to the lands and lordship of Pettybrackly and Strathdon, in favours of the said Earl of Murray ; and obliges himself in his own name, and for his mother, brethren, and sisters, to warrant and keep skaithless the said Earl of Murray and Mr. John Wood, John Stuart and his other servants for whatever goods, jewels, or other things belonging to his father, were intromitted with by them. And because the Earl of Murray was under obligation to James Ogilvie of Findlater, that if it should happen the lands of Findlater, Deskfurd, &c. disposed be the queen heretably to the said James Ogilvie by forfeiture of the said John Gordon, Huntlie's brother to be evict-

Goodall's  
MSS. Copy.

ed in any time coming by reduction of the said forfeiture; in which case the Earl of Murray had bound himself to infest the said James Ogilvie and his heirs heritably of new again in the lands of Strathnavern and Cardel, milns fishings and castles, &c. The Earl of Huntlie obliges himself and his heirs to relieve the Earl of Murray and his heirs at the hands of the said James Ogilvie, &c. that in case the said lands of Findlater and Deskfurd, and others shall be taken from the said James or any part of them, and thereby James Ogilvie recovers the lands of Strathnavern and Caddell the Earl of Huntley obliges himself to give the Earl of Murray als much lands equally lying in a place no less convenient, and of als great yearly avail and profit; and likewise to answer to the abbot and convent of Aberbrothock for the teinds and others things pertaining to the said abbay intromitted with by him or his agents, &c.

In recompence for all which things :

By bond dated at Whittingham 8 April 1567, James Earl of Murray obliges himself to the Earl of Huntly that whereas he is to be restored to all things belonging to his progenitors, and also with respect to the tenderness of blood and amity standing betwixt the said Earl of Huntlie and us [Earl of Murray] and also in respect of an decreet arbitral by the queen and other arbiters between him and his brethren on the one part and James Ogilvie of Findlater on the other part of date at Edinburgh the 22d of March last, has bound himself in his own name, &c. for his brethren to do and cause to be done to James Ogilvie of Findlater and his heirs the renunciation and ratification of diverse articles in the said decreet for the perpetual assurance of the said James

Ogilvie in his living and lands of Findlater, Deskford, Drumnokeith, Blairshinnach, Castlefield, Castleyards, with the office of Constabulary of Culan, Constable lands, Pittinbringans, the fishing upon Itham; the lands of Seyfield, Bruntoun, Upstàrt, Smythtown, Woodfield, Touchaneill; the lands of Clouchmatrie, with the mills advocacion of kirks, &c. Whereby, says Murray, the said Earl has gratified us greatly, and made us sure of the lands of Strathnarne and Cullard, and others lands; therefore he, Murray, obliges himself to set forward the reduction of the forfeiture to the uttermost of his power by himself and others whom he might procure, and to resign the Sheriffship and Castle of Inverness with diverse lands allowed for keeping that Castle and other things, but all of them natural consequences of the reduction of the forfeiture. Goodall.

In order to understand these deeds the reader must be informed, that James Ogilvie of Findlater had been disinherited by his father, whose second wife (of the Huntley family) had persuaded him to entail his estates of Finlater, Deskford, &c. upon his son-in-law John Gordon, Huntley's brother, and on his failure, upon Adam Gordon his younger brother. On the execution and forfeiture of John Gordon in 1562, the estate was restored by Murray to James Ogilvie, in exchange for the lands of Straithnairn and Cardell. Upon Huntley's return to favour, his brother Adam claimed the estate of Finlater, &c. which, to gratify both parties, was awarded to Ogilvie, and the lands of Auchendown and Kethmore, to Adam Gordon, by the arbitration of Bothwell and Lethington, the queen being umpire, on the 22d of March, the day after Bothwell obtained the Castle of Edinburgh. Crawford's Notes on Buchanan, 160.



Douglas Peerage, 262. Huntley therefore exacts a bond from Murray, the day before his departure, to promote, or in other words, not to oppose his restitution, and the day before the act is passed, he engages to warrant Murray's transactions respecting the forfeited estates. Huntley's ratification of the decreet arbitral, is stated, in Murray's bond, as the consideration for which the latter engaged to promote the restitution, as it made him sure of Strathnairn and Cullard, of which he could be dispossessed only on the restitution of the Gordons. But in Huntley's subsequent bond, Murray's application to the queen for his restitution, is artfully stated as the consideration for ratifying his former transactions.

## No. VIII. Vol. I. Page 87.

*Act of Council.**Apud Dunbar penultimo Aprilis Anno 1567.*

THE quhilk day the queen's majesty understanding how lately hir heness being at Seyton, wes movit to set furth her lettres and proclamation, Inhibiting hir lieges to answer or obey Sir William Murray of Tullibardin hir comptroller of the victuals money and others duties, of the thirds of benefices: Notwithstanding any wern-ing made thereoff, under pain of dowbill payment; as the lettres direct thairupon of the date at Seyton the fyft day of Apryl instant propones. Nevertheless her hichnes presentlie understands that the said inhibition hes greatly hindret of the inbringing of the saids victuals and thirds; and that the seassoun of the year and time of payment is now present, quhilk being past ower, it will be difficult to get payment of the saymen thair-after, understanding weil the nature of the comons to be mair facillie inhibit to retain thair dewties, nor for manie chairges to pay the samen. Therefore presently by the tenour heroff, relaxes the said inhibition simplie, and ordanes lettres be direct to make publication heroff: and to charge all and sundrie persons as are dew and addebt in payment of the saids thirds and victuals, to pay the samen to the comptrollaris collectors, to the effect that the samen may be ready brot in by thame to the furnishing of our saidis Souverains house, efter the form and tenour of the saids lettres direct to that effect by the lordis of Counsal and Ses-

Records of  
Privy  
Council:  
Register-  
house,  
Edinburgh.

sion, at the saids comptrollars instance of before, and under the pains contenet in the samen, quhilk her hienes wills to have further execution in all points: Notwithstanding the said inhibition presently relaxit and dischargit be her majestie as said is. Council Rec.

From the whole tenor of the act, and from the particular expressions, "the Queens Majesty understanding," "her hichnes presentlie understands," the privy Council was evidently held in her presence; and it is ridiculous to talk of restraint or compulsion when we find her so attentive to the support of her household within five days after the pretended rape.

## No. IX. Vol. I. Page 92.

MELVIL's error concerning the bond, may be easily explained. None but peers were present at Ainstey's supper, as the entertainment was termed, and the bond was neither signed by the abbots, by the officers of state, nor by the burgesses, that sat in parliament. When the bond was again produced upon the eve of the marriage, Melvil was required to sign it, but refused; (Mem. Pref.) and afterwards when he wrote his Memoirs, he would naturally imagine, that the signatures of the nobility were not obtained till then. Guthrie suspects that Melvill's Memoirs were interpolated or altered by the editor; a conjecture which, after every enquiry, I can discover no MS. to confirm or to confute. They were first published in 1683, by George Scott of Pitlochrie, Sir John Scott of Scotstarvets younger son, by Melvil's grand-daughter; and though he has certainly altered and modernised the language, no interpolations can be tracted to other writers, as in Crawford's Memoirs. From the period at which they were published, 1683, any alterations must have consisted in the omission of unfavourable, or the insertion of favourable circumstances for Mary, to whom the author, or editor, is partial throughout. In this view, "seeing that he had ravished her, and lain with her against her will," exhibits, in the last clause, the editor's comment on the Scottish rape or *abduction* of her person, which Spottiswood treats as a mere pretext, 202, and is of much the same import with Paris's declaration, "que les nûyt auparavant que les Royne fust ravie et enlevée du dit Sieur de Boduel, que Mons. d'

Ormistoun vint parler a la Royne bien secretement à Lythquow."

That Melvil was a traitor because his father was executed in 1548, for his correspondence with his son in England ; because he was recommended in 1559, by Throckmorton to Cecil ; or because he says in his *Memoirs*, that Rokesby, a spy, was introduced in 1566 to the queen ; whereas Rokesby says, that his introductory letter was delivered to Melvil, who was persuaded that he was one of her English partizans ; is a conclusion not unworthy of Goodall. Melvil's account is confirmed by Randolph, that Rokesby's practices were so managed by Andrew Kerr, and the bishop of Ross, whose name Whitaker (ii. 481) tenderly omits, that they cannot be discovered. Keith, Appendix, 169. Rokesby was not then engaged as a spy by Cecil ; (Haynes, 445) and it appears that Lesly was his patron at court. But Rokesby testifies even then to Bothwell's influence, "whom I might well perceive to be in more secret favour with her than any other." Id. 447. This was in the interval between the murder of Rizio, and the birth of James.

## No. X. Vol. I. Page 101.

*Letter of James Bcton the Archbishop of Glasgow's brother, to his brother, Mr. Andrew, to be given to the Archbishop, containing the proceedings in Scotland from the 11th till the 17th of June, 1567.*

BROTHER,

I WRET to you the 11th of this present in sic haist as I think ye was little the wyser of my letter. Now haivand the commodetie and mair laiser to wret, ye sall understand quhow the said day my Lords of Mortoun, Mar, Hume, Lindsay, the Lairds of Tillebairne, Lowchlaven, Baward, Grange, with sundrie oderis barronis to the nommer of nine hundereth or a thousand horsmen, arrayvit in the morning about Borthwick, in deliberation to comprehend and tack my lord Duk, quha was in the said place with the queen's majestie. My lord Duk heiring of this enterpryse, thinking weill he suld be in mair sewrtie on the fields than in ane houss, passit forth and red away; quhairfor the said Lords being advertysit retirrit back to Dakaith, and thairfra that samyn neicht to Edinburgh quhair thay war resaivit notwithstanding any command send be the Queen's majestie in the contrair to the town or castell. The town was warnit of thair arrayving and had been all that day, fra the proclamation maid in the morning in the Queen's name by the advyse of the Lords, as was at that present in the town, that all manner of men suld be in his best apparail of armis, and in reddiness to pass to, and relieve the Queen's majestie quha was saigit in Borthwick by the foresaid Lords. The Lords

Brit. Mus.  
Ayscough's  
Cat. 3199,  
from Mem.  
Scot.

My Lord  
Archbishop  
of St. Andrew's, my  
Lord of  
Huntlie,  
my Lord  
Boyd, my  
Lord of  
Galloway  
and Ross.



that was in the town com to the gait for the defence of the town; quha efter lang reasoning with the prowtest, hawand promise of him that he suld keep and defend the town, and that thay suld have na enteress, retirith thaimselfis to the castell. The order partie being arrayvet at the portis, thay of the town oppenit noucht the saids portis to thaim, bot thay sufferit patientlie that thay war broken up. The hail assembleie being arrayvit in the town, thay causit mak ane proclamation at the market croce, the quhilks sensyne thay have callit ane act: quhairoff ye sall receive the copie enclosit heir within. Sa sone as the Queen's majestie was advertysit that thay war arrayvit in Edinburgh, she despechit the young laird of Rires to the Captain of the castell, desyrand him to mak the foresaids lords commandement to retire thame furth of the town, and cause thame to depart be violence. He obeyit her in the first point; for I understand he sent ane to thame and schaw quhat was the Queen's maiesties will and mynd: bot to this hour he has nocht schot, nother at ane nor oder. Monsieur de Croc writ both to the Queen's maiestie and to the Lords that day at morning, desyrand the lords to suffer him to cum and speik thaim. He schew to the Quein's maiestie quhow he had written to the lordis, and requyrit that it wald pleiss hir majestie to advertis him quhat sche wald command him to do in the caiss. Hir maiestie desyrit him, be hir ansowr, to speike thame and know of theim qubathair intension, and quhat thay wald be at. I red that saming morning to Borthwick to the Quein's maiestie, quhair I fand hir maiestie sa quyete that thair was noucht with hir passing six or seven persons, and thairfra returnit to speik the captain of the castell. Hir maiestie in mennis claitis, butit, and spurit, departit that saming neicht of Borthwick to Dunbar, quhair of na man knew saif my lord Duk and

sum of his servants quha met her maiestie a myll of Borthwick and convoyit hir Hieness to Dunbar. Upon the morn the lordis passit to the Tolbuith and maid the foresaid act quhairoff ye have the copie, and thairefter cam to the Cwnzie houss, and twk wyth tham all cwny irnis and chargit Ihone Achesone to delyver tham the font, the quhilk as thay wer sewrlie advertysit he had resawit, to be stroken and cwnzit. He delyverit it noucht at that present, bot thay got it afoir twa days thairefter. At thair returning fra the cwnzy houss thay cam to Monsieur de Crocs logings, and spak with him as thay promiseit to ane gentleman he send to thaim that day in the morning. Efter lang communication between thaim and him, thay retirit thamsels to thair logings, and efter thair dinner retornit to the counsall, and as men may juge be it that followit sensyn, resolvit thaim to persew my lord Duk in quhatsomever part he was passit in. Thay causit that day to stryke the tabouring throuch the town, quhair thay promiseit five pounds in the moneth to all that wald serve thame. I tarryit all that day in Edynburgh, as quha was uncertain quhair to find the Quein's maiestie. I was sewrlie advertysit her maiestie departit the neicht afoir of Borthwick, bot I knew noucht quhair sche was passit to. Being advertysit that neicht at evin that her majestie was arryvit in Dunbar, Captain Anstrodair and I departit of this town upon the 13 day tymlic at morning, and passit to Dunbar, quhair we fand hir maiesty and my lord Duk makand thaim for the feildis, wretand to all that wald do for thaim in their partis, to be in reddiness within 24 hours to pass with thaim to Edynburgh. I was send back to this town that saming neicht, to the Captain of the Castill, and was commandit to remain still in the castill with him and to persuade him, sa far as it lay in my power, to keep the castill to

The font of gold that was send of England at the baptising of my Lord Prince.

hir beheive, and to do his dewtie quhantyme servit. Being arryvit in this town at ten hours at evin, I passit to Monsieur de Crocs logings, as being send to him, quhair I remainit the space of half an hour, and thairfra maid me to the castill. As I was in the way, being passit throch the watchis quha was on the castill-hill, within 20 paise to the Castil zet, the Laird of Tillebairne and Raisyth quha was that neicht on the watche, hawand understud of my passand by thaim, cam with all possible diligence fra the watch quhilk, as said is, was on the castill hill, and brocht me back again. The Lordis being advertisit thair of, commandit the said Laird of Tillebairn to keep me till the morne; and swa he lodgit me for that neicht. Upon the morne, at twa hours of the morning, thair trumpet blew and thay for the maist part maid thame till thair horses: my lord Hume and his companie to the nommer of four or five hundereth horse, towards Hadingtown to discover the feildis, and se gif my lord Duk was in thais partis or noucht. The Laird of Tillebairne with ane hundereth horse or ma, towards Laithchow to meet my lord of Atholl and the maister of Graim (quha as was bruitit, could noucht haive passage throch the said town for my lord of Aberbrothok quha was in it to the nommer of four hundereth hors in deliberation to come and support the quein's majestie.) The laird of Tillebairne depar-tand of the town, commandit sum of his servands to tak tent to me and keep me till his returning to the town; quha being sum pairt negligent, passit furth of his chalmer to do some oder business, believing that I sould noucht remove till thair retorning again. I seeing myself at sik libertie, betwixt 5 and 6 hours passit furth of the said chalmer to the castill, quhair, being arryvit, I doit my commission as was commandit me by the Queinis

majestie at hir (my) departing fra hir. I fand the Captain very cauld in his answering to her majesties commandements. That day my Lord of Athol, the maister of Graim, my lord Secretair, my lord of Revain at ten hours afoir noon arryvit in this town to the nommer of twa hundereth hors or better. My Lord of Hume retornit again at twa hours efternone. That saming day my lord Secretair cam to the castell, at twa hours efter none, and spak with the captain the space of three hours. The Lords that wer in the town being that neicht at 12 hours evin (informit) that the Queinis maiestie and my lord Duk was departit of Edinburgh (Dunbar) at ten houris afoir none, and that thay war alreadie com this neicht to Haddingtoun, and was in mynd to com the hie way til Edinburgh to find thaim, thay causit blaw their trompets, and tuk all their armis, and departit all furth of the town betwix twa and thre after midneicht. Thay departit all furth of the on thair feitt, beleiving the Queinis maiestie and her companie was betwix thaim and Musselbrugh. Bot being mair nor ane myle of the town, and being advertysit that the Queinis maiestie was nocht so neir, thay send for thair hors, the quhilks being broucht thame, thay lop on horsbak and marched forward towarts Musselbrugh. Thair departit of the town with thaim on fut mair nor twa hundereth craftsmen of the said town weill armit; sax or seven scoir of futmen that thay had lustit the day afoir, and Captain Clark with sa many as he had lustit on his awin expense, in deliberation to pass thairefter in Danmark to the nommer of fourscoir of men or thairby. Upon this syd thay wer jugit to be 18 hundereth horsemen or better and four hundereth futmen or ma, all the hail companie put in gud order, thay marchit towarts Musselbrugh,

quhair thay wer advertysit be thair foirryddars that the Queinis maiestie and her companie was within ane myle to thaim. Thair was wyth the Queinis majestie the Lairds Blacatair, Woderborne, Langton, Ormistoun's of Teviotdale, and Louden, Hatoun, Grinhaid, Cader, with sundrie oder barrons of the Mers and Lauden and the haill commons that wald ryse for her in thais partis. Sche had wyth her twa hundereth haybuttairs, onder Captain Alexander Stewart and Captain Hew Lauders charge. Her haill companie on hors and fut wus noucht nommerit to twa thousand men, of the quhilks the best pairt was commons; quhairupon the oder part thay wer all gentlemen and weill in thair gair. Being com in seicht of oderes, the queinis maiestie hir companie be-Eist Musselbrugh and the oder part be-West it, the Queins majestie, my lord Duk, and thair companie marchit wyth all diligence to an auld forthe above Musselbrugh neir by the Falsyd, the quhilk thay occupet, and thair plaissit 7 or 8 peices of artillerie, the quhilk thay had broucht wyth thaim of Dunbar. The quhilk being persawit be the lordis of the adverse partie, thay drew thairselfis westward betwix the Queinis maiestie and Dakaith and thairfra keipand the heichest places and tha straintheast, cam wythin halfe of ane myle to thaim: quhair the Lordis send furth sum prikkars wylling to draw on the scharmwiche. Bot the Queins majesty and my Lord Duk continit thair men and sufferit nane of thaim to leave thair plaice. My Lord Duk schot sum of his artillerie at thair prickkars, bot he hurt na man. Monsieur du Croc cam of the town betwix 7 and 8 hours, and red betwix the twa armes, doing that was in his power to bring thaim to sum gud way and appointment. Quhair hawand travellit the space of twa hours, he fand him na nearer his purpose nor he was in the beginning. The



Lordis refusand all oder appointment less nor my lord Duk wald submit himself to thole an syse of the Kings slauchter, and that the Queinis maiesty wald be contentit thairwith, and render herself to thaim. The quhilk was plainlie refusit both by the queinis maiestie and my Lord Duk. Swa Monsieur du Croc returnit bak to the town, betwix three and four hours, beleivand sewrlie that nathing mocht stay other of the parties to experiment and seye thair fortune. Notwithstanding both the parties upon dyverss respects temporisit. The Queinis maiestie byding upon my Lord Aberbrothick, quhom hir Hieness understode to be on the way betwix that and Leichcou, and upon my lord Herress, the lords of Lowchinvar and the Laird of Balclawist, quha had, as I understand, promisit to meit her Hieness that day. The oder partie temporisit because the day was veray hait, and had the son in thair eie. In the meantyme thair was comuners and talkers send fra both the parties; the Laird of Grange fra the Lordis and the Laird of Ormiston of Laudein wyth the Laird of Trabrowne fra the Queinis majestie and my Lord Duk. Efter lang communing my Lord Duk offerit him conform to the promiss maid the day of his syss, to faicht in singular battaill wyth any Lord or undefamit gentleman, to the effect that the great appeirance of blud schaidding betwix the twa armes meicht be stayit be that moyen. The laird of Tillebairne acceptit the condition, and offerit to feicht in the querrail, quhairintill the queinis majestie nor my lord Duks freinds wald na wyss consent in respect that thair was na comparison betwix thaim twa. The quhilk being rapported to the Lordis, my Lord Lindsay offerit him to faicht. Swa it was anes believit that all the hail querrell sould be referrit to my lord Duk and my



lord Lindsay. The queinis majestie was lang or sche could be persuadit to that, bot at the last albeit sche fand it noucht gud, sche consentit to it noucht wythout grat difficultie. Thair was 20 gentlemen in ether syd to see thair partes. The Laird of Grange being retornit to the Lords wyth that anser, the Laird of Trebrowne was send sone efter him to knaw quhair the plaiss sould be appointit, and in quhat appareill thay sould cum to the feild, quha, at his retorning, rapported to the Queinis Majestie and to my Lord Duk, that the lordis wald noucht suffar my Lord Lindsay to faicht, and to tak all the haill bording upon him that was equallie thairs and his; and swa that proposs stayit. Noucht the less I have heard sensyn that the Lordis meinit noucht to stap my Lord Lindsay, bot rather prayit him to be of gud hart and curage, and was verie glad that he acceptit the condition. This was betwix 7 and 8 hours at evin; fra quhat tyme the lords partie persaiwand the queines willing to dryve tyme, was sa animate and sa willing to cum to straicks that wyth greit difficultie they meicht be continit in thair order. On the oder partie the queines majestie's folks haid na will of straicks, bot rather was drawand thamselvs asyd and sum of thaim steilland away; quhairbie the queines majestie was constrenit to cum to sum better composition, despairit other to retire hirself and hir companie saiflie, or to mak hir part gud in battaill. Swa wyth all meines, sche persuadit my lord Duk to loup on horsebak and ryd his way: the quhilk quhen hir majestie haid persuadit to him nocht wythout gryt difficultie, and he being rydden as thay supposit twa myles or mair, her majestie offerit to render hirself to thame swa that thay wald promiss to do na harm to hir companie, bot licens thame to retire thairselfs without ony skaith. The quhilk being fund gud be the Lordis, thay causit mak

ane proclamation incontinent defendant all that was of (thair) parte to persue or invaid any that was of the queenis parte. Quhilk being don the queins majestie cam to thaim betwix 8 and 9 hours; all her companie scatterit and red thair way. The lords broucht her majestie to town quhair thay arryvit at 10 hours. Thay logit hir majestie in the Provests logging, fornent the croce, upon the north syd of the gait. Hir majestie was keepit thair till the morne at 9 hours at evin, at quhat tyme thay convoyit hir majestie thairfra to the Abbay. Quhair efter sche had stayit the space of an hour, thay put hir on horsbak, and haid hir all that neicht to Louchlawin: quhair as I am informit thay intend to keip her till thay haif comprehendit my Lord Duk, or else put him furth of this countrie. Sche cam yesterday to ane windo of hir chalmer that lukkit on the hiegait, and cryit forth on the pepill quhow sche was halden in prison, and keepit be her awin subjects quha had betrayit hir. Sche cam to the said windo sundrie tymes in sa miserable a stait, her hairs hingand about her loggs, and hir breist, yea the maist pairt of all her bodie, fra the waist up, hair and discoverit, that na man could luk upon hir bot sche movit him to pitie and compassion. For my ain part I was satisfiet to heir of it, and meicht nouch suffer to see it. Thay convoyit her down the gait as said is, my lord of Athol on the ta syd of her, and my lord of Mortown on the oder, wyth three or four hundereth men. Thair merchit afoir hir the spaice of ane hundereth paisses four score hagbuttars. Thair is in the anseign that was borne against hir the day sche was tacken, and was borne yesterday amangs the saids hagbuttars, ane mekle dethman besydes ane grein trie, be the quhilk man thay signify the king; and on the oder syd of the said trie, ane young barne, quhairby

thay signify my lord Prince, fra quhas mowth thayr is wryttin in gryt letters (Juge and revenge my cause O lord). Thay sufferit na man to speik till hir yester-day, or to cum quhair sche was, yea noucht hir awin maiddenis. Yet being yesternecht little afoir hir departure, havand to do in her cabinet, sche callit upon ane of hir maiddenis, and commandit, or rather prayit her, to ether wryt or send some sewer messenger to the captain of the castell, and desyre him to keip a gud hart to hir, and quhairever sche was convoyit or past, that he renderit noucht the castell to the Lordis. Bot I think, and sa does sundrie oderis, that sche sall get na support fra him; for it appeirs weill that he hes intelligence wyth the saids Lordis, and thay wyth him, or else thay hed noucht cum to the town. Atour hir majestie prayit the said maidden to speik to the Laird of Lidington of hir part, and pray him affectuslie to haive piety and compassion of hir, and noucht to schaw himself sa extreme in hir contrair as he doit. I haif hard lytill or nathing of thair proceedings this day, as quha hes noucht passit furth of my chalmer, yet it is rapportit to me that thay haive comprehendit Bastien Pages the French man that cam laitlie haim heir be sea, and haif put him in the Tolbewth as ane of thaim as will be fund partackers and giltie of the kings slaughter. Thay tewk Captain Culain that neicht thay enterit the town quha has bein ay sensyn in the Irns. Thus fare ye well. At Edinbrugh the 17th of Juen 1567. Be your assurit Brother. J. B.

My Lord of Sant androus my Lord of Huntlie wyth the rest of the Lordis that was in the castell partit furth of it the 15th day quhan the Lordis was all upon the felds, at 9 hours afoirnone; and passit towarts Leichcow quhair thay beleivit to find my Lord of Aberbrothok and all his companie.

## No. XI. Vol. I. Page 104.

*Coppy of the Order by the Councill for Queen Mary  
her Imprisonment in Lochleven.*

Apud Edinburgh Decimo sexto die mensis  
Junij Anno D<sup>ni</sup> millesimo quingesimo Sex-  
agesimo septimo.

FORSAMEIKLE as efter ye schamfull and horrible Goodall's  
murther of unq the King, the Quens Majesties lait MSS.  
husband, hir Majestie being revist with the erll  
Bothvile principall, and chief authors of ye said mur-  
ther, and yrefter joyint with him in maist ungodlie and  
dishonorable maner under the name of aintendit mar-  
riage, continweing in that state to the eminent danger  
of the innocent psson of our native princes life, and  
owthrow and destruction of the nobilitie and hail  
state of this common-well, quhill on just necessitie it  
behuvel the nobilitie and utheris faithfull subjects to  
take armes for punishment and revenge of the said  
murther, aganis quhome come the said Erll Bothvile  
leidand the queins Majestie in his company, and schaw-  
and his murther and utheris wickit enormities fra pu-  
nishment with the clak of hir autoritie, and refusand  
singular combatt, fled and eschapit himself; and hir  
Majestie in the mein tyme willinglie riding in the com-  
pany of hir said nobilitie and faithfull subjects fra Car-  
bary hill to Edinburgh, quhair efter thai had oppeint  
and declarit unto hir heines hir awn estait and condi-  
tion, and the miserable estait of this realm, with the

danger that hir deirest son the prince stude in, requirand that she wald suffer and command the said murder and authors yrof to be punist, fand in her majestie sic untowardnes and repugnante thairto, that rather she appeirit to fortessie and mentein the said erll Bothvile and his complices in the saids wickeit crymes, nor to suffer justice pas forward, quhairthrow, gif hir heines suld be left in that state, to follow her awn inordinat passion, it wald not fail to succed to the finall confusion and exterminacione of the haill realme. Sua that efter mature consultation, be common advyse, it is thocht convenient, concludit and decernit, that hir majesties person be sequestrat fra all societie of the said Erll Bothvile, and fra all having of intelligence with him or ony utheris, quhairby he may have ony comfort to eschapp dew punisment for his demeritis. And finding na place mair meitt nor commodious for hir majestie to remain into, nor the house and place of Lochlevin, ordenis commandis and chargeis Patrick Lord Lindsay of the Byris, William Lord Ruthven, and William Douglas of Lochlevin, to pas and convoy hir majestie to the said place of Lochlevin, and the said Lord to ressave hir thairin, and thair they and every ane off thame to keep hir majestie surlie, within the said place, and on na wiss to suffer hir pass furth of the same, or to have intelligence fra ony manner of persons, or yit to send advertisments or directions for intelligence with ony levand persons, except in thair own presence and audience, or be the commandments and directions of the Lordis under subscriband, or ane part of them representing the Counsall at Edinburgh, or utherwyss quhair they sall resort for the tyme; as thai will answer to God and upoun thair dewtie to the common-weill of this country, kepend thir presents for thair warand.

Attour the saids Lordis and utheris underscriband  
 oblige thame and thair airis fathfully, and promitts to  
 the said Pat<sup>k</sup> Lord Lindsay, William Lord Ruthven,  
 William Douglas of Lochlevin and thair airis, to releve  
 and keip thame skaithless of the ressaving<sup>e</sup> keping and  
 detenying of the Queinis majesties person in manner  
 forsaid, and to fortifie manteine and defend thame fra  
 all levend creatures, that in the law, or by the law, wald  
 presume to pursew or invade thame for the samyn.

Sic subscribetur

ATHOLL	MORTOUNE
GLENCAIRN	MAR
GRAHAME	SYMRYLE
SANQUHAIR	W. OCHILTREE.



## No. XII. Vol. I. Page 110.

THE only remaining objection to this conclusion is the answer of some of the lords to Throckmorton, in absence of the rest: "How horribly the king her husband was murdered? What form of justice had been kept for punishing thereof, or rather how scornfully a disguised mask was set up instead of justice; how shamefully the queen our sovereign was led captive, and by fear, force, and (as by many conjectures may well be suspected) other extraordinary and more unlawful means compelled to become bedfellow to another wife's husband, and to him who not three months before had in his bed most cruelly murdered her husband,—and found such hap in an unhappy enterprise that by the murder of the babe's father, he purchased a pretended marriage of the mother." Keith, 417. "Other extraordinary and more unlawful means," refer, says Stuart, to *amatorious potions* (i. 376.) says Whitaker, (iii. 117.) to *stupifying draughts*, which "Lovelace *actually uses*" in Richardson's "Clarissa." But the fear, force, and the conjecture of other more unlawful means, refer to the marriage, not to the supposed rape, as they "compelled her to become bedfellow to another wife's husband;" a homely expression, by which the lords, unwilling to acknowledge that she was Bothwell's wife, intimate the pretended marriage to which she was compelled. And the other extraordinary and more unlawful means, refer neither to *amatorious potions* nor to *stupifying draughts*, but, according to the opinions of the age, to witchcraft; means more unlawful and extraordinary than force or fear, to which her extreme passion for Bothwell was ascribed by her enemies, as

well as by her friends. In the first placard, her assent to the murder, is imputed to “ the persuasion of the erle Bothwell, and the *witchcraft* of the lady Buccleugh ;” (Anderson, ii. 156.) and in the Declaration of the Lordis Quarrell, a poem printed at Edinburgh 1567.

Gif that a freind *with fay's* away war led,  
Be wickit craft, syne tystit war till ill—

Than Sen that bowdin bludy beist Bothwell  
Hes trayterously in myrk put downe our King,  
His Wyfe the Quene syne rauyssit to him sell,  
In fylthie lust, throu cullour of wedding.  
Thocht sho *be witcheit* wald in ruttery ring,  
The Nobillis sould nether of thir endure,  
That lowne to leif, nor her to be his huire.

Dalzell's Scottish Poems, ii. 271. Edin. 1801.

Twenty years afterwards, in Bothwell's Testament, forged for her vindication, her attachment is ascribed to *enchantment*, to which he was addicted from his youth, and by which he had drawn the queen to love him. Appendix XXXI. The gloss put upon her marriage by a part of the lords, was necessary from their situation then; especially before the rest had determined, whether to conceal, or to expose her guilt and deprive her of the crown.

## No. XIII. Vol. I. Page 119.

*Letter from Sir Nich. Throckmorton to the right honorable Sir Will<sup>m</sup>. Cecil Knight on of the Queens Mats. prevye Counsayle and principall Secretarye.*

16 of July  
1567.  
Original  
Paper  
Office, co-  
pied by  
M. Craw-  
ford.

SIR me thynkyth the sd. LL. be on their way to make an end of theyr matters with theyr Soveraigne amongst themsellvs albeyt they kept bothe the Frenche and us in hand, for they cannot tell how to be rydd of theyr Queene (wyche I mystruste they intend anwey or other) withoute she consent; of the Frenche I kno them to be better inclynd to serve theyr humors then we And fyndynt they wyll thys coarse (notwithstanding ony threatnyngs of ony prynce) I muste take hede that we lose them not holy, and dryve them to be more French then they wold be, throughe the Q. Majesties sharpe impungyng theyr deseyeres. It were well don to make a vertu of necessitye, unless hyr Matie. will use arms agaynst them, And I see no happie end destynd unto us in these matters. To be playne with you I feare the end bothe for Gods dysplesure and for some unaptness amongst ouer folkes to enter and prosequete the warr; To understand what hathe passed synce my last dyspatch of the xiiii of July, I do referr you to hyr majesties letter sent now, and so do humbly take my leave of you. At Edynboroughe the xvi of July 1567.

Yours to use and command

N. THROCKMORTON.

As yet these lords will not suffer Mr. N. Elveston, sent from my Lord of Murray, to have accesse to the Quene, nor to send my L of Murray's letter unto her.

*Sir Nich Throkmorton to the Q. Maty.*

IT may please yer Majestie I did advertyze by my <sup>16 July</sup> letters of the 19 of Julye how the Lordes assembled at <sup>1567.</sup> Edenboroughe, had deferred myne audience and confe- <sup>Original</sup> rence with them, untill the retorne of the Earles of <sup>Paper</sup> Marr and Glenkerne and the rest of theyre associates <sup>Office.</sup> unto thys towne. But perceyvynge the sayde Lordes absent dyde not mynde to make anye spedye repayre hether, I did earnestlye presse theyr Lordes agayne to give me audyence, and the rather for that I saw theyre assembly agaynst the 20th of thys moneth drawe on, whereof I advertyzed yor Majestie in my last. Whereupon the 15 of thys moneth the Earles of Atholl, Moreton, the L. Hume, the L. of Lyddyngton, Sir James Boufor Capten of thys Castle and clerke of the Register, the L of Tyllyberne, and the L. of Cragmyller provost of thys toune dyd come to my lodgyng where (after ordynarye salutacyone donne) I dyd reqayere them to heare and receyve what I had to say unto them from yor matie. The Lordes desyred me to forbear the openinge of myne instructyons untill theyre halle companye weare assembled, notwithstandinge I pressed them to desyst from delays, and so the sayd Lordes aunswered me, that albeit they cam at thys tyme to salute me, and byd me welcome, and to entreate me to forbear to negotiate with them untill the rest of the companie weere assembled, yet to satisfye myne importunacye they woulde enter into negotyacun with me and so requyred me to declare youre Majesties pleasure, whereupon I did delyver them your Majesties letter, and did declare unto them your Majesties instructions given unto me, reservynge that article wche

did concern the Frenche and the alyenacyon of theyre mynds from dealyngs with them. The lordes receyved yor Majesties letter with great reverence, and hard very attentyvely without interrupcyon the halle discourse of myne instructions: whereunto theye answered by the mouthe of the L. of Lyddington (who sat hyest but the two Earles and the L. Hume) that they humblye thanked yor Majestie that yt walde please you to deale so honorablye with them, whereby they had good occasyon to be well advysed on thyre answer to your Majestie, and therefore theye thought conveyent to tell me, that they might not make answer to the matters proposed by me upon the sudayne, and so requyred me to take in good parte theyre delyberacyon of suche matters as were conteyned and uttered by me in my instructyons at good length; and though they had agynst theyre oun determynacyon, and good order, for the satisfaction of my desyre, and to avoyde at yor majesties hands mysconceyvinge, adventured in the absence of theyre Complices to recyve yor Majesties letter to reade the same, and to heare what I had to saye on your Majesties behalf unto them, yet they requyred that bothe your Majestie would allow, and I would take in good part the suspencyon of theyre answer untill theyre assosyates were joyned with them. I replied sayinge that though there were bothe noblemen and wyse men absent, and such as I could have bene verye well contented should have harde what yor matie had given me in charge; yet I knew right well that assemblye consystynge of such persons as it did, both for honor wysdome and credyt, had sufficyent habyltye and authoritye as well to answer and resolve as to heere what had been declared: and therefore I requyred them to abstayne from ceremonyous delayes, and to make me answer to



that I had declared on your Majesties behalf, and no longer to deferre my repayre to the Quene theyre Soverayene. Than the Earle of Moreton answered and requyred me that I woulde not thynke that they ment anye unnecessary delays, but did forbear upon good advysemente to make aunswer to so mayne and weychtye matters as had been opened by me on yor Majesties behalfe, without the advyce delyberacyon and consent of theyre fellowes: And therewith all the rest of the counsellors dyd, as it were with one voyce, confyrme what had been sayde by the Earle Moreton and the L. of Lyddyngton, wherupon I was compelled to take this for an answer at thys tyme.

Then I entred with them concerninge the state of the Borders, havynge recyved the same daye advertyzments from Sir John Trotter of a great spoyll made upon the fronteyre of Englande by two hundred Scottes accompanied with the fugityves of Englande: the lords answered by the mouthe of the Earle Morton that they weere sorye of such dysorders, and that they had given as good order as might be to keepe all things upon the frontyers in good staye, nevertheless the dyvysyon beinge so amongst them as it was, and Bothwell the murderer favored as he was bothe upon the frontyers and else where, it coude not be otherwyse but troubles would be raysed and nourished; and sure they weere that the pryncypall authors of thys forreye weere eyther of Bodwells payrty, or set on by hys partye, who had no other meane to helpe hymself thoughte it weere but for a tyme but bye troubles, breatche of peayce, and spolyacyon: notwithstandinge they dyd assure use they would wryte to all the wardens and to all the heade men upon the frontyre to conserve the peasce, and to lyve in good order, and moreover theye woulde en-



treate the L. of Grange who had good credyt with all the borderers, and namelye with the L. of Farnehest his sonne in lawe, to goe to the frontyeres and set all things in good staye, which donne the sayd L. of Graunge should report to the L. of Bedforde to Berwyche to use hys advyce and concurrencye in the matter.

And yt may please your Majestie, synce the wrytinge of my laste, I doe understande the Quene of Scotlande is in greate feare of hyr lyffe, and therefore hathe uttered to some of the LL. aboute her that she can be verye well contented eyther to lyve in a close nunrye in Fraunce or wthe the ould Dougier of Guyse her Grauntmother.

The Earle Bodwell hathe been of late with the Earle of Huntelye at Strawboggie in the north of Scotlande, where he hathe attempted to levye force and to make some styrre, But thoughe the Earle of Huntleye weere holden suspected to thayse men, he fynding Bodwell so lytle favored in all quarters, wyll not adventure muche for hym. And now I heare saye the sayde Earle can be contented that Bodwell shoulde myscarye, to ryd the Quene and hys sister of so wycked a husbände: whereupon I understand that Bodwell dyd hastielye retyre himself awaye from the Earl of Huntleys house in the night, into Spynaye the Busshope of Murreys house, where also yt is thought he wyll not make anye longe taryinge, but retyre himself to the Isles of Orkeneye wch bee in nomber 32, whereof the Q. dyd create hym Duke. But I heare saye theyse lords have geven good order to impeache hys entrie into thoose Islands, and namelye bye the Brother of Sir James Baufor who is Captayne of the strongest place there; the Bisshop also beinge at theys LL. devocyon.

The Hamyltons and the Earle of Argelle do begyn to enter into trafike with theys Lordes.

I doe heare saye the Hamyltons can be pleased with the Quenes detencyon or a worse fate, and concurre with the LL. in all thynges, so as the crowning of the prynce nor none other act may defeat them of thyre possybylytie to the crowne, wche theye feare by the settinge up of the house of Stuardes.

Theyse Lordes have sent Robert Melayn over the water to Loughe Leven to talk with the Q. and the Lordes wche have her in garde. At whose return as I can learne onye thyng worthe yor Maties knowledge, I wyll not fayll to advertize the same bye my nexte.

The lord Roberte of Holyroodhouse, halfe brother to the Earle of Murraye, came yesternight to thys toun well accompanied, and repayred to the Earle of Atholls Lodgyng where all the Lordes sat in Counsell. The said L. Roberte synce the begynninge of these last troubles hathe had no intelligence with theys Lordes untill thys tyme, but hathe rather concurred with the Hamyltons.

As yet theys Lordes wyll not suffer Mr. Nycholas Elveston, sent from the L. of Murrey to have access to the Quene, nor to send my L. of Murreys letter unto her. Thus havynge non other occurraunts worthe yor maties advertizement, I praye Almighty God send yor Matie Longe lyffe encrease of honor, and muche felyctye. At Edinboroughhe thys 16th of Julye 1567.

Your Maties moost humble faythfull

obedyent servaunte and subjecte

(Signed) N. THROKMORTON.

## No. XIV. Vol. I. Page 130.

THE original act of council is lost or missing, and an inaccurate English copy, found in the Cecil papers, is perhaps the only one extant. It is obvious that the mistake of *and*, for *or*, might have been committed either by the transcriber of the original record, by Haynes, or by the printer, in transcribing or publishing the Cecil copy. From collating that copy with the act of parliament, in which the act of council is resumed, or engrossed *verbatim*, Robertson proved its inaccuracy in other words; *bludy*, for *blindly* affectionat, her proceeding *in a priveit*, for her proceeding *to an pretendit* marriage with Bothwell, and all men abhorring their *traine* and companie for their *tyrannie* and companie. Whitaker considers these as merely Macgill's the Clerk Register's improvements in parliament, upon the language of Hay the clerk of council. But the clerk of council was invariably one of the deputy clerks of the Lord Register, under whose inspection its records were framed; (First Report of the Committee of the House of Commons on the Public Records, p. 39.) and an act intended to be converted into a law, when attested by Macgill himself, and the whole council, was undoubtedly framed by the same hand with the act of parliament in which it was engrossed. Such mistakes as *bludy* for *blindlie*, *priveit* for *pretendit*, *traine* for *tyrannie*, may be easily traced to those contractions so frequent in old MSS. which rendered the Scotch words unintelligible to an English transcriber. The confederates in their order for the queen's imprisonment in Lochlevin,

(Appendix, No. XI.) in their first bond, (Keith, 405.) and in their answer to Throckmorton, uniformly term Bothwell a tyrant, and the marriage a pretended, not a private marriage: and the context, that she was “sa thrall and swa blindly affectionat to the private appetite of that *tyrane*, and that bayth *he* and scho had conspyrit togidder sic *horrible cruelties*, being thairwithall garnissit with ane companie of ungodlie and vitious personis,” &c. indicates sufficiently that all virtuous men abhorred, not their *traine*, but their *tyrannie* and *companie*. The orthography and inaccuracies peculiar to an English transcriber, may be traced in the act of council in Haynes, when compared with the act of parliament in Anderson or Goodall: *other's* for *utheris*, *fields* for *feildis*, &c. in which the Scottish plural is uniformly omitted: “And generally all *other* things, &c. *towe-ching* the said Queene hir person, that cause and all depending thereon;” for “all *uther thingis*, *tuiching* the said Queen *and detening* hir person that *the cause* and all thingis dependent thairon:” “The intromission *with* disposing upon her propertie” for “the intromission *or* disposing upon her propertie:” “hir dishonourable *proceedinge in a* priveit,” for “her dishonourable *proceeding to ane pretendet* marriage;” in which *priveit* for *private*, is evidently a mistake or conjecture of Haynes or the transcriber, for the contraction of *pretendit*: “*holding* and *deteininge* the same,” for “*halding* and *detening* the *samin*,” “*soddentie*” for “*suddandlie*,” “*persavinge* the Queene so thrall and *bludy* affectionat,” for “*persauing* *alswa* the quene *sa* thrall and *swa* *blindlie* affectionat,” “and that a part of the three Estates *gif their selis heirupon*,” for “ane part of the three Estates *gaif their seillis thairupon*,” “to be usit

for the security of the noblemen and others having *entrit* in the cause," for "having *enteres* (interest) in the said cause." These are evidently the inaccuracies of an English transcriber perplexed with the orthography and contractions of the Scottish act; and after such errors, the mistake of *and* for *or* is nothing. Robertson, ii. 368. Whitaker, i. 293. 330.

## No. XV. Vol. I. Page 133.

THE authenticity of this parliamentary document is disputed by Whitaker, because another "Account of Lord Herries' behaviour in the parliament 1567," is erroneous. But Argyle, Huntley, and Herries, were engaged in the association for the queen at Hamilton (Keith, 486.), and without their submission, would neither have been admitted to their seats, nor would the two former have been chosen as lords of articles, or selected to bear the regalia, at the first parliament held in the king's name. Their submission therefore is certain, and they protested for their own security, that no fault should be imputed to them for any cause begun or done since the 10th of July, for which the regent accordingly freely forgave them. The only material error which I have discovered in Robertson, is, the reliance inadvertently placed in his Dissertation, upon the other unauthenticated paper, or the Account of Lord Herries' behaviour, who made a notable harangue in the name of the duke and his friends (the Duke, Cassillis, and Kilwinning being present) for their union and submission to the regent, that if the queen were in Scotland with 20,000 men they would be of the same mind; and hoping that Huntley, Argyle, and others, (not present) would do the same. Robertson, ii. 339—461. Hamilton, Cassillis, and Kilwinning were absent, Argyle and Huntley were present at the parliament 1567, and the Account is evidently a Paper of intelligence from the north of England, to which, as to other papers we have met with, a conjectural and false date



has been since assigned. It relates to a convention held by the regent on his return from England 1568-9, when the queen was not in Scotland, when the duke and his friends (Cassillis and Herries) were all present, and when Argyle and Huntley apparently were absent. History of K. James VI. It is written in English, not in Scotch, is signed by no one, and was found in the Paper-office, and not among the Cecil, or Cotton papers. The supposition that it was forged and produced at the conference, requires us to believe, that Murray would represent the Duke, (who had returned to England, on Elizabeth's passport, during the conferences,) as present in Scotland, when he had notoriously remained in France since the Raid of Beith. Whitaker, iii. 17.

## No. XVI. Vol. I. Page 154.

*Letter from Mr. John Wood to Cecil, dated York,  
October 9th, 1568.*

SHIR—Atfer maist humble comendation of my service, pleis, I arryvit heir at Yorke this fryday tymlie in the morning, and fand nothing done but only preambles to the matter in hand. But that same day was the complaint given in be those that standeyth heyr for the part of the Q. our souvrayns mother against my lord regent, and the utheris for the king, who were desyrit to have answered this day: butt when thair defence behooffyt to haif includit the accusaiton and tryall of the Q. in the cause of the murther, the whole noblemen heir, on the king's party, gef in thir headis quhilks I am assured cumis to your handis to be resolved of; and albeit all us think it neidful to be resolved, yet in so weighty ane cause I might judge with your pardon that the delay of ansuering to the accusation proposed is of dyverse ment dyverslye, and all wald suyr and he that sees maist the danger, dois fear and stay quhil he may resolve quhilk way is surest, as oft I have proponed this danger: now when it is at the pynche, I maist humbly beseych you Sir to consydder of the danger the delay may bring on so wechtye and so necessarye ane cause; and lett not (so far as in your wisdoms lyeht) ceremonyes stay and utterly undoyne so godly and so good ane work begoun, for I dar assure you that thir things being resolved, that in furtherance of the rest of the cause the word of the Evangile sal be accompyshed, *et erint novissimi primi et primi &c.* And

From the  
original:  
Paper Of-  
fice. M.  
Crawford's  
MSS.

seeing now thai ar proponit, yff thay sall not take playn and clear resolution, it may mar all the cause; for as I oft haif said, I fynd men to be men, and the most part of the world to propone sensyble suyrtye to conscience and honor boyth; Besyds, my lord Hereis dois not evin heir ceyse and forbear to augment sinister suspitions of the outfalling of the matter, and speiks plainly and amply as to it: Last, Jhone of Beton at his last downcumyng brought sex thousand crowns to Bolton; yff yai wer angels thai wald flye abroad, and as yai ar no, I can not but, knawin the nature of men and the liberalite of the hand that hes thayme, bot be afrayed of the harme thay may do, yff not fully to let, yitt to prolong and stay att all hands and in all places quhan yai may serve the turn: heir for Shir remember my ernist desyir and lett the suyre remeid quhilk I shew you be haistallye prowytit in so grytt an cause. This far I am bold to trouble your honor, and craif earnestlye to understand that it wald pleas the Q. majestie to encourage fearfull spreitts; and then ye wald persave the trewth wald quikly appeair, quhilk all honest harts man traist the rest to your wisdoms guid consideration, and so I humbly tak my leif comitting your honor to the protection of God, from York the ix of October 1568.

Your honors to command at Service  
doring lyiff

M. JHONE WOOD.

## No. XVII. Vol. I. Page 159.

IN abridging the numerous papers, which I have occasion to recite, I frequently adhere to the original words; for the fidelity of the abstract, I must appeal to the apologists for Mary themselves. Tytler, however, has affirmed, on the authority of this commission, that Mary, before she agreed to the conference, had insisted (on) and got Elizabeth's promise, that neither Murray nor his associates, should be admitted to her presence, any more than Mary herself. Tytler, i. 108-21. The words of the commission are, "Knawing that the nobilitie of this realme are to assemble, and the matter may be proponit in publick, we are resolute, considering the matter that was spoken and promisit, that during this conference, the Erle of Murray principal of our rebels, suld not come in the presence of the Quene our gude sister, mair nor we: but be the contrair he being resavit and welcomit unto hir, and we ane free princess not having access to answer for our selves, as he and his complices; thinks therefoir ye can proceid na farther in this conference; for ther may be some heids proponit quhairto you can not answer of your selfis, unless we were there in proper persoun, to give answer to the calumnies quhilk may come in question aganis us, swa that partiality appeirs to be usit manifestly." Goodall, ii. 184. "Considering what was spoken and promised," refers to the assurance of Elizabeth's favour, in consequence of which, she was resolute, that Murray should have no more access than herself; and she concludes, that her commissioners should dissolve the conference,

not for breach of promise, which they never ventured to insinuate, as no promise was ever made, but for manifest partiality as they could not answer to the calumnies (of which she was fully aware) unless she were there in person. In her intercepted letters to her partisans in Scotland, she informs them indeed, that the conference was broken upon account of Elizabeth's breach of promise, "not to permit the Earl of Murray to come to her presence afoir the conference was endit, and mairover ther suld be nothing don to the prejudice of Mary's honour, estate, or right." Haynes, 504. But the whole letter is filled with the most extravagant fictions, and as the last promise, for the preservation of her honour, is certainly false, so the first is refuted by the uniform silence of her commissioners at the conference. It appears from Haynes (490) that the commissioners for the Queen of Scots, and the regent and his assistants, being called to the queen's majesty, her highness thought good to join more in commission to the former commissioners. Murray was admitted therefore as a commissioner, as the queen's were also admitted, to consent to the commission being enlarged, and transferred to Westminster. Anderson, iii. 25. The complaint of partiality, therefore, because he obtained an audience before the conferences were renewed, was a mere pretext, not employed to prevent the renewal of the conferences, but reserved to prevent the accusation, or the evidence, against the queen. Hume, v. 141, note K. 497.

## No. XVIII. Vol. I. Page 186.

IT was from the Minutes of this day's proceedings in Mary's register, that Tytler ventured to give Hume the lie, (page 45. first edit.) for which he was afterwards so severely reprehended. Tytler, in his subsequent editions, has softened and almost suppressed the charge; but it is observable that, when he accused Hume of falsehood, he durst not give a full and entire quotation of the minute itself. After Mary's commissioners had shown their instructions, for answering the accusation, and "desyrit the Quenis Majestie to cause thame have sic writingis as wer productit aganis thair maistres, be thair Maistres's adversaris," he suppresses the context, "And adhering to the protestations maid be thame of be-foir, and upon the conditiounis containit in thair writingis, thair maistres wald mak answer thairto." Goodall, ii. 282. Their former protestations were those of the 25th of November and 3d of December, to answer to nothing touching her honour: the conditions contained in their instructions or writings, which Tytler has also omitted, were, "that the presence of our gude Sister, be permitted us to declair the justice of our cause to herself and no uther, not having consented to the assembly and convention of commissioners to uther effect, than to inform them of the veritie; (id. 284.) and Tytler, in his abstract of the Conferences (i. 136-70.) conceals throughout, that Mary refused to answer, unless admitted in person before Elizabeth, contrary, as Hume observes, to her practice during the whole course of the conference, till the moment the evidence of her



being an accomplice in the murder of her husband was unexpectedly produced. Hume, v. note N. In the proceedings of the 7th of January, the same conditions are silently introduced, "that she wald answer, &c. conform to the writingis presented of befoir in her name," and under these reservations, not to answer to matters touching her honour, nor to any other but Elizabeth in person, she demands inspection or copies of the letters, (Goodall, ii. 297.) which Tytler maintains throughout, were unconditionally refused.

## No. XIX. Vol. I. Page 246.

*From Mr. James Melville's Life; MS.*

“ THAT September (1582) in time of vacance, my uncle Mr. Andrew, Mr. Thomas Buchanan and I, hearing that Mr. George Buchanan was weak, and his history under the press, passed over to Edinburgh anes errand to visite him, and to see the wark. When we came to his chamber, we fand him sitting in his chair, teaching his young man that served him in his chamber, to spell a b ab, e b eb, &c. After salutation, Mr. Andrews sayes, I see, sir, you are not idle. Better this, quoth he, nor steiling sheep, or sitting idle, whilk is als ill. Thereafter, he shewed us the epistle dedicatory to the king; the whilk when Mr. Andrew had read, he tauld him that it was obscure in some places, and wanted certain words to perfect the sentence. Sayes he, I may do na mair, for thinking on another matter.

What is that? says Mr. Andrew. To die, quoth he. But I leave that and manie ma things to you to help.”

“ We went from him to the printers warkhouse, whom we fand at the end of the 17th book of his chronicle, at a place whilk we thought very hard for the time, whilk might be an occasion of staying the haill wark, anent the burial of Davie. Therefor, staying the printer from proceeding, we came to Mr. George again, and found him bedfast by his custome; and asking him how he did? Even going the way of weil-fare, says he. Mr. Thomas his cousin shows him of the hardness of that place of his storie, that the king would be offended with it, and it might stay all the wark. Tell me, man, says he, giff I have tauld the truth? Yes, says Mr. Thomas, Sir, I think sa. I will bide his fead and all

He was tel-  
ling him  
also of  
Black-  
wood's an-  
swer to his  
Book de  
Jure Regni.

his kins then, quoth he. Pray to God for me, and let him direct all. Sa, be the printing of his chronicle was ended, that maist learned, wise and godly man ended this mortal life."

Buchanan's dedication of his history to James is dated August 28th; this visit was early in September, and as Buchanan died on the 28th of that month, the history, if printed, was certainly not published before his death. According to Melvil's MS., the printing was just finished with his life, and his final repentance must have happened in the interval, between the visit and his death. His *Detection* was an anonymous pamphlet, easily disavowed, had he been so inclined. But that he had frequently lamented to James, those calumnies in the *Detection* which he has transcribed *verbatim* in his history; that he wished, when it was too late, to retract those calumnies in his history, which at that moment were under the press, but which he was afraid to retract lest it should be ascribed to dotage; are obvious, and incoherent fictions to conceal his impenitence, or his refusal, perhaps, to suppress any part of his writings when required by James. The information received by Thuanus, that he was required by James, but refused, to retract what he had written of Mary, is confirmed by his traditionary answer; "Tell him I am going to a place where few kings can come." Mackenzie's *Lives of Scottish Writers*, iii. 180. Bayle's *Dict.* The king, in consequence of the Raid of Ruthven, (August 23d) was detained at Perth; but Lennox remained at Edinburgh till September 5th; (Calderwood, iii. 151;) and his earnest application to Gourie, two months afterwards, for the original letters from Mary to Bothwell, (Robertson, ii. 381.) renders it not improbable that he made a similar application from the king to Buchanan before his death. Ruddiman in his *Ani-*

madversions on his opponent, John Love, quibbles miserably upon the authority of Melvil's *Diary or Life*, till his bigotry fairly consigns Buchanan to hell, which the humanity of his biographer has softened and suppressed. Ruddiman's *Animadversions*, 13. Chalmers' *Life of Ruddiman*, 130.

The story of Buchanan's repentance was revived in 1714, by the author of the *Life of Sage*, who received it in a letter from Sage himself, who had it from Lady Rosyth, an old lady, who had it from David Buchanan, an old man, who was present, and an ear witness to Buchanan's confession. As Sir George Buchanan of Buchanan died in 1651, Lady Rosyth, his daughter, might have conversed with David Buchanan, the editor of Knox's history, before his death. David Buchanan, however, was the second son of William, fourth laird of Arnprior; John the first laird was killed in 1547, at the battle of Pinkey; Andrew the second laird was alive in 1560; but that his great grandson was old enough to witness Buchanan's confession in 1582, is altogether incredible. Again, David Buchanan published Knox's *History* in 1643, sixty-one years after Buchanan's death. His elder brother John was killed in the Irish massacre, 1641; his younger brother William fought as a captain at the battle of Inverkeithing, 1651, and he was alive himself cultivating letters in 1649; facts utterly incompatible with his presence as a witness at Buchanan's confession. Buchanan's *Family and Surname of Buchanan*, 35—61. Nicholson's *Scot. Hist. Library*, 75. That confession should have convinced him of Mary's innocence; but the continuation of Knox's history, which, as it is found in no preceding MS., must be ascribed to David Buchanan the editor, is written under a strong impression of her guilt. Sage was probably ignorant of David Buchanan's *Treatise De Scripto-*

ribus Scotis Illustribus; (MS. Adv. Lib.) containing an account of Buchanan, in which the author would not have omitted, had he witnessed, the circumstances of his confession and death. Spottiswood, who was seventeen at Buchanan's death, was equally ignorant of his repentance and confession, which James himself, *to whom it was frequently uttered*, and from whom Camden's information must have proceeded, durst not insert among his invectives against Buchanan in his *Basilicon Doron*. Such confessions are the usual resort of party : at the instigation it is said of James, who furnished the materials, a recantation was once forged for Calderwood, on a report of his death, which he survived, however, to refute; and Sage, though silent in his controversial works concerning those confessions, has been made to vouch for another, of Henderson the covenanter, which, from Baillie's letters and the declarations of the general assembly, is demonstratively false.

Having mentioned Spottiswood, whom I seldom quote, let me bestow just approbation on his memory as an historian. Of the same age nearly with James, he conversed and lived with Mary's contemporaries, and had every opportunity to refute Buchanan if his facts were false, and every inducement to misrepresent them if true. When desired by James to undertake his history, Camden's *Annals* must have taught him what was expected; yet though he blames Buchanan for the bitterness of his writings, he adopts his facts, of which nothing less than contemporary evidence could have convinced him in opposition to his inclination and interest. Buchanan's narrative receives the strongest confirmation, when exposed to the same test both by Thuanus and by Spottiswood.

## No. XX. Vol. I. Page 261.

FLETCHER of Salton suggested to Ruddiman (*Animadv.* 56.) that the *Detection* was not translated by Buchanan, and Patrick Anderson, (*Hist. MS.*) affirms that it was translated by another into the Scottish tongue. The title itself informs us, that it was “translated out of the Latine quhilk was written by Mr. George Buchanan;” and numerous examples might be produced to prove that the translator was an Englishman, who has not always understood the original. The first is from Ruddiman; “*nam et libellis propositis et picturis*,” (alluding to the placards and pictures after the murder,) which Buchanan would not have translated, “for baith by buiks set forth,” instead of bills stuck up, nor any Scotsman who knew that no books had been published on the subject then. Ruddiman’s Buchanan, i. *Detectio*. 30. The same mistake occurs in the *Action*, where Wilson repeats the word, “*de libellis cædem cœarguentibus*,” which he translates by “buiks accusing the slaughter.” When the queen went to Jedburgh, “*ad conventus juridicas ibi habendos*,” is translated, “to the *assizes* there to be halden;” an English term never known in Scotland, where the assize invariably signified the jury, and where the assizes were denominated circuit courts. “*Tam vehemens dolor simul omnes corporis partes afflixit*,” and again, “*liventes pustulæ toto corpore eruperunt tanto cum dolore*,” are translated “all the parts of his body were taken with a sore *ache*,” “and certain black pimples broke out with such a sore *ache*,” but that the word was neither used, nor understood in Scotland, appears from the St. Andrew’s edition, in which it is altered to,



*sic a sair yuik*, and *sa great a yuik*. “Dangerous for bringing the child to a *rheum*,” a word unknown in Scotland, and the situation of Holyrood house, “being set in a low place and a very *marish*” are an old English idiom and an English word. “*Confictis causis neque satis justis neque idoneis* ;” “by fayning certain *fond* and sclender causes ;” in which *fond* for trifling, is neither a translation of the Latin, nor agreeable to the Scottish acceptation of the word. “*Cum uxoribus comitum Atholiæ et Marriæ* ;” “with the wives of the earles of Athol and *Murray*,” a mistake which no Scotsman, who knew the distinction between Mar and Murray, could have well committed. “*Conveniunt ad comitem Argatheliæ quod is rerum capitalium perpetuus questor esset* ;” which a Scotsman who knew his office, would have expressed by hereditary justice general, is translated literally, with the same circumlocution, “for that he is by inheritance the justice to deal with such crimes punishable with death.” “*Ad consilium publicum judicium* ;” “to the common assembly of the judges,” instead of the court of session. “Though they touched some men *shrewdly*,” which recurs in the Detection, “to give *naughty* men *shrewd* occasions,” and in which the acceptation of *shrewd* is unknown in Scotch. “*Differtur questio in speciem, revera suprimitur*,” is translated properly, “the enquiry for manners sake was *adjourned*,” but as that word was unknown, or little used in Scotland, it was altered in the St. Andrew’s edition to *continued*, the legal term for the trial being deferred. “It was Killigrew’s hap to *mar* the play,” an English word altered in the Scotch edition to, “*spill* (spoil) the play, and unvisor all the disguisings.” Every whit, God wot, for the nonce, expressions peculiarly English, are con-

verted into, every *quhit*, God wait, for the *nanis*, in the Scottish edition. “*Ante quem diem judicium pcragi volebant*,” is translated, “before quhilk day they wald nedes have the *arrainement* dispatched;” “*ut vel ipsi adessent vel procuratores mitterent*,” “or to send their *proctors* ;” “*Comes Cassillissæ cum multam solvere mallet*,” “willing rather to pay his *amercement*,” are terms of English law, for which the technical words in Scotland, were *indictment*, *procurator*, *mult* or *amand*. “*Majestatis erat damnatus*,” “*attainted* of treason,” for which the only Scotch word is *forfaulted* ; “*non secus ac si in fiscum relata fuissent*,” “as if they had, upon atteinder, come to her by forfeiture ;” the terms and procedure of the English law, not of the Scotch, in which the goods fell by escheat or confiscation, upon a sentence of forfaulture.

But the Detection and the Action are both translated into old English, in imitation of Scotch ; as *ech* for *ilk*, *anely* for *only*, *banes* (banns) for *bandis* in the Scottish edition. “That Bothwell might be *gorgiously beseene*,” (right well beseen, Spenser) “she *pastimed* there certain days ;” “to *disteyne* with the maist foul spot of that shameful act ;” “to *divert* the blame thereof,” in the Detection ; “the crime *diverted* to others,” in the Action : “to observe decorum and comely convenience ;” “not governed by *advised reason*,” (advised respect, Shakspeare ; advised determination, Hooker) are elegant combinations or phrases to which the Scottish dialect had not attained. *Rathest*, the obsolete superlative of *Rath*, soon, converted in the Scotch edition, into *Ratherest* (Tyrwhit Gloss.) *quhilom*, the old English *whileom* (the Scottish *umquhile*) altered in the Scottish edition to *sometymes* ; *go to*, (*ga to*, in the Scotch edition) *forsooth*, *certes*, *perdy*, are peculiarly

English; *disfurnished*, *surceaseth nat*; “to her own only *beck* and pleasure;” “that she had not played the *dauncing skit*,” (from skittish,) are words unknown in the Scotch of that age. “Prometheus his liver daily gnawen and *tyerit* upon by an eagle:” to *tir* in Scotch is to strip naked, (Douglass, Glossary,) but to *tire* in old English is to pluck or feed upon, in the manner of birds of prey, (Tyrwhit,) “and like an empty eagle *tire* on the flesh of me and of my son.” Shakspeare. To *purse up* his past injuries; *purse* the substantive is *pose* in Scotch; *advouterer* old English for adulterer, to which it is changed in the Scottish edition; “but I *be-shrew* that same Killigrew;” *by and by*, in the Scottish edition, *incontinent*; *Theifis Lane*, for the *Thiefraw*, all demonstrate an English translation in imitation of Scotch. The orthography is as imperfectly imitated as the language; *cauld* for *culd*, *nat* for *not*, *moucht* for *micht*, *weir* for *wer*, and altho the *qu* is invariably used in *quhase*, *quhilk*, *quhen*, yet *quhile* invariably signifies *while* instead of *untill*, and *quhilom* and *quhence* are rejected in the Scottish edition as unknown words.

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## LETTERS.

MEMORANDUM. That in the castel of Edenburgh there was left by the Erle Bothwell befoire his fleing away, and was sent for by one George Daglish his servant, quho was taken by the Erle Moreton, one small gilt cofer nat fully ane foot lang, beyng garnishit in sondry places with the Romaine letter F under an kyngis crowne, quhairin were certain letters and writynges well knawin, and by othes to be affirmit, to have been written with the quene of Scottes awne hand to the Erle Bothwell.

BUCHANAN'S DETECTION.

## LETTER I.

*An (uther<sup>1</sup>) letter to Bothwell, concerning the hate of  
hir husband and practise of his murder.*

*Estant party du lieu ou i'auois lais-é mon cœur, il se peult  
aysement iuger quelle estoit ma contenance, veu ce qui peult  
vn corps sans cœur, qui a esté cause que iusques à la disnee  
ie n'ay pas tenu grand propos, aussi personne ne s'est voulu  
aduancer, iugeant bien qu'il n'y faisoit ben. &c.*

BEYNG departit from the place quhaire I left my hart, it is easie to be judgit quhat was my countenaunce, seing that I was even asmickle as ane body without ane hart, quhilke was the occasioun that quhile dinner time I held purpois to na body, nor yet durst any present thamselvis unto me, judging that it was not gude so to do<sup>2</sup>. Fower myle ere I came to the towne, ane gentleman of the Erle of Lennox came and made his commendations unto me<sup>3</sup>, and excusit hym that he came

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<sup>1</sup> *Uther.*] This is the second letter in the English edition, from which the letters and sonnets are printed, as the nearest to the original. But the Scottish orthography is imperfectly preserved, as the English printers relapsed perpetually into their accustomed mode of spelling, which was rejected, from the same cause, in the subsequent edition at St. Andrews. The Latin and French translations may be found in Buchanan, Jebb, and Goodall.

<sup>2</sup> *So to do.*] Apparently inserted in both versions, by the English translators at Westminster, in order to render the sense explicit, as the same phrase, *so to do*, occurs in the next sentence of the English translation. Similar amend-

*The long Letter written from Glasgow from the Queen  
of Scots to the Earl Bothwell.*



English.



(This in Burleigh's hand.)

BEING gon from the place where I had left my heart, it may be easily judged what my countenance was, considering what the body may without heart, which was cause . . . . . that till dinner I had used little talk, neither would any body adventure himself thereunto, thinking that it was not good so to do.

Four miles from thence a gentleman of the Earl of Lenox came and made his commendations and excuses unto me, that he came not to meet me, because he durst

ments, at Westminster or afterwards, will occur in the sequel.

<sup>3</sup> Made his commendations *unto me*.] Quoted by Tytler, (i. 227.) as peculiarly Scotch. To *make my compliments*, is a Scotticism frequently used; to *make my commendations*, seldom or never. "After," and, "with my most hearty recommendations," are the common expressions in the letters of the age; and of sixty instances to which Whitaker appeals, (ii. 13. n.) the French phrase, *make my commendations*, occurs but thrice; twice in Sadler's letters, and once in a letter from Baillie, a Fleming accustomed only to write in French. (Murdin, 17.) It would be strange indeed, if in all the State Papers, Scotch and English, which he and I have examined, the literal translation of, *me fait ses recommandations*, if a common Scottish phrase, should occur but twice; except in a letter from a foreigner full of French idioms, and in a single letter from Mary to Bothwell.



not to meete me, by reason he durst not enterprise the same, because of the rude wordes that I had spoken to Cunningham, and he desirit that he should come to the inquisition<sup>4</sup> of the matter that I suspectit hym of. Thys last speaking was of hys owne head<sup>5</sup>, without any commissioun. I aunswerit to hym that there wes no recepte could serve against feare<sup>6</sup>, and that he would not be afrayed in case he were not culpabill, and that I aunswerit but rudely to the doubtis that were in his letters. Summa, I made hym holde hys tounge, the rest were lang to write<sup>7</sup>. Sir James Hammeltoun met me, quho schewed that the uther time<sup>8</sup> quhen he heard of

<sup>4</sup> *Inquisition.*] An obsolete French term, equivalent then to *enquête, recherche*, (Cotgrave, Dict. de l'Acad.) the judicial enquiry, or *inquisition* of Hiegate.

<sup>5</sup> *Of hys owne head.*] Quoted as Scotch by Tytler, (ibid.) who forgets the French phrases, *de sa tête, de son chef, sans commission*. “Cet auteur ne dit rien *de son chef*.” Dict. de l'Acad.

<sup>6</sup> *There was no recepte could serve againste feare.*] Quoted also as proverbially Scotch, as if Mary's reply to Lennox, in a Scottish proverb, when repeated in a letter, could render that letter originally Scotch. The Scottish proverb is, “There is na remedie for fear but cut off the head;” (Kelly's Scotch Prov.) the French, “On peut bien guérir du mal, mais on ne sauroit guérir de la peur;” (Dict. de l'Acad.) and these proverbial expressions in the letters, supposed to possess such curious felicity and spirit in Scotch, are either common to modern languages, or are peculiar to the French, from which the whole passage, as well as the phrase in question, is evidently derived. Je lui disois *qu'il n'avoit aucun remede qui pouvoit servir contre la crainte* (an expression equally proverbial in French and Scotch) *et qu'il n'auroit point de peur s'il ne se trouvoit pas coupable, et que je ne repondois que vertement aux doutes qu'il fit dans ses lettres*; in

not enterprize so to do, considering the sharp words that I had spoken to Conyngham, and that he desired that I would come to the enquisition of the facts which I did suspect him of: This last was of his own head without commission; and I told him that he had no receipt against fear, and that he had no fear, if he did not feel himself faulty. And that I had also sharply answered to the doubts that he made in his letters

as though there had been a meaning to pursue him. To be short, I have made him hold his peace; for the rest it were too long to tell you. Sir James Hamilton

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which the variations of the English version, “that *he had* no fear,” (*n’avoit point de peur*) “if he did not *feel himself* (*se trouvoit*) faulty,” “the doubts *that he made*,” (*qu’il fit*) “sharply answered,” point out the precise idiom of the French original.

<sup>7</sup> The rest *were lang to write.*] *Le reste seroit trop long à vous dire*, as in the English version; and the Latin *summa*, which recurs so frequently, and was then prefixed to the sum total of accounts, is indisputably a substitute for the French word *somme*, in short. “*Somme, elle nous renvoya au roy, sur ses termes de lui dire le tout.*” Murdin, 237.

<sup>8</sup> *The uther time.*] *Qu’ autrefois*, formerly, of which the literal translation, “the uther time,” perplexes Whitaker to discover upon what former occasion it happened, ii. 27. Buchanan informs us incidentally, that when she had returned to Stirling, in the beginning of January, “*quotidie se Glasguam ituram ostenderit*,” (349) upon which occasion Lennox, suspicious that his son was poisoned, and that he himself was in danger, left Glasgow, not on her arrival, but upon the report of her coming, of which she received the first intimation on her arrival now. And from this circumstance the forgery is inferred, because there was no preceding journey which would have rendered the present intelligence unnecessary.

my coming, he departit away, and sent Houstoun to schaw hym that he would nevir have belevit that he would have pursuit hym, nor yet accompaneit hym wyth<sup>9</sup> the Hammeltonis. He aunswerit that he was onely cum but to see me, and that he would neyther accompany Stewart nor Hamiltoun but by my commandement. He desyrit that he would cum and speake with hym, he refusit it. The Lard of Luse Houstoun and Cauldwellis sonne, wyth xl. horse or thairabout came and met me. The Lard of Luse sayd he was chargit to ane day of law<sup>10</sup>, by the kingis father, quhilk should be this day, against his owne hand writ, quhilk he hes. And yit notwithstanding, knowyng of my cumyng it is delayit, he was inquirit to cum to hym, quhilk he refusit, and swearis that he will indure nothing of him. Nevir ane of the towne<sup>11</sup> came to

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<sup>9</sup> *Accompaneit hym wyth.*] *S'accompagner avec*, associated himself with the Hamiltons. It is observable, that *suivre*, the word that preceded it, is differently translated, "to pursue," and to *follow*, in the two versions; but that the Scotch is erroneous, appears from the answer. That he was *only* come, in the English version that he was *not* come, *but* to see me, each a literal translation of *qu'il n' étoit venu que pour me voir*, and that he would neither accompany Stewart nor Hamilton but by my commandment; from which the question implies, not that he would *pursue* Lennox or the Stewarts, but that he would *follow* and accompany himself with the Hamiltons. The Scotch translator mistaking this for the explanation of a former passage, in the English version "as though there had been a meaning to pursue him," omitted that passage as unnecessary or as less explicit.

came to meet me, who told me that at another time he went his way when he heard of my coming, and that he sent unto him Houstoun, to tell him that he would not have thought that he would have followed and accompany himself with the Hamiltons. He answered that he was not come but to see me, and that he would not follow Stuart nor Hamilton but by my commandment. He prayed him to go speak to him, he refuses it. The Lord Luse, Houstoun, and the son of Caldwell, and about 40 horse, came to meet me, and he told me that he was sent to one day o law from the father, which should be this day, against the signing of his own hand writing, and that knowing of my coming he hath delayed it, and hath prayed him to go see him, which he hath refused, and swearing that he will suffer nothing at his hands. Not one of the town came to speak with me,

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<sup>10</sup> *Ane day of law.*] Though not uncommon at the time, this expression, which recurs in the second letter, is evidently translated in both versions, from *un jour de loi*, a court or law day, (Cotgr.) quhilk should be this day, *qui devoit être cet jourd'hui-là*.

<sup>11</sup> *Nevir ane of the towne.*] In the Scottish edition, “*that town;*” Glasgow, where the queen then was, which is produced by Whitaker as an indisputable detection, ii. 36. At the utmost, it would amount only to an erroneous translation of *cette ville*, *that*, instead of *this town*. But the black letter contraction, though minute and indistinct, is evidently *y<sup>e</sup>*, when compared with others, four and sixteen pages afterwards, and the English version, “the town” removes the mistake.

speak to me, quhilke causis me thinke that they are hys, and neverthesse he speakis gude, at the least hys sonne<sup>12</sup>. I see na uther gentleman but thay of my cumpany. The kyng sent for Ioachim yesternight, and askit at hym quhy I lodgeit not besyde hym<sup>13</sup>, and that he would ryse the soner gif that wer, and quhairfoir I come, gif it was for gude appointment<sup>14</sup>, and gif ye wer thair in particular, and gif I had made my estait<sup>15</sup>, gif I had taken Pareis and Gilbert to wryit

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<sup>12</sup> *Nevertheless he speakis gude, at the least hys sonne.*] Here the difference of the two versions may be ascribed to the queen's haste, and to the obscurity of the original. *Pas un de la ville me vint parler, ce qui me fait penser qu'ils sont à lui, et ainsi ils parle bien, au moins son fils*, which the Scotch translation would render, "nevertheless he speaketh gude," and the English with more diffidence, "they so speaketh well of them." Whether or not she meant, as an additional proof that the townsmen were his, that they spoke well, at least of the son, or that though they were his, he spoke fair, at least the son, the Latin translator guessed at the first, "*præterea loquuntur bene saltem de filio*," as the only meaning of which the passage was susceptible.

<sup>13</sup> *Besyde hym.*] *Près de lui*, as in the English version, "nigh to him."

<sup>14</sup> *Gif it was for gude appointment.*] *Si pour bon appointement*; from the obsolete word *appointer*, to accommodate, or terminate amicably. (Dict. de l'Acad.) Appointment was formerly used in Scotch and English for a treaty or public accommodation. (Goodall, ii. 184. 226. 384. Beaton's Letter, Append.) but a word expressive of Mary's situation with Darnley, is employed in the French idiom and obsolete ac-

which maketh me to think that they be his, and they so speaketh well of them, at least his son. The king sent for Joachim and asked him why I did not lodge nigh to him, and that he would rise sooner, and when I came, whether it were for any good appointment that he came, and whether I had not taken Paris and Gilbert to write, and that I sent Joseph. I wonder who hath

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ception, of a reconciliation or accord made between friends fallen out: (Cotgrave.) as in Mary's celebrated letter on Elizabeth's amours, "Le comte d'Oxford n'osoit *ce rappointer* avecques sa femme," Murdin, 559.

<sup>15</sup> *Made my estait.*] Another example of a phrase significant only in French. *L'état* d'une maison, signified then a list of the officers of the household, *faire un état*, to make or settle the list of the household; (Cotgr.) which the English translation omits as unintelligible, and the Scotch has literally transcribed from the French. Wilson, the Latin translator, perceived and preserved its meaning; "an familiæ catalogum fecissem," which the French translator has rendered, "quelque rolle de domestiques," "expressing all that he found in the Latin," through which the original idiom was not perceptible. But Whitaker, though apprized by Lord Hailes (Miscel. Rem. 20) of the original idiom, arbitrarily converts it into officers of state; or into "one of those absurdities which crowd the letters, or marks of forgery inserted by chance," ii. 42. 407. The precise meaning is ascertained, however, by the king's inquiries concerning the alterations in her household; the admission of Paris (not as Goodall supposes to write, but) as her chamberlain, and Gilbert (Curl) as her secretary, the departure of Joseph (Rizio's brother) and the marriage of Bastian with her confidential maid.



This berer  
wil tel you  
sumwhat  
upon this<sup>16</sup>.

to me, and that I would send Joseph away. I am abashit quho hes schawin hym sa farre, yea he spake evin of the mariage of Bastian. I inquirit hym of his letters, quhairintil he playneit of the crueltie of sum, aunswerit that he was astonysed, and that he was sa glad to see me that he belevit to die for<sup>17</sup> gladness; he fand great fault that I was pensive, I departit to supper, thys bearer wyll tell you of my arrivyng, he prayit me to returne, the quhilke I did, he declarit unto me hys sickness<sup>18</sup>, and that he would make na testament but onely leif all thyng to me, and that I was the cause of hys malady, because of the regrait that he had that I was so strange unto hym<sup>19</sup>. And thus he sayd, ye aske me quhat I meyne by the crueltie conteynit in my letter, it is of you alone that will not accept my offeris and repentance. I confesse that I have fayled, but not into that quhilke I ever denyit, and sic lyke hes fayled to sundry of your subjectis, quhilk ye have forgiven<sup>20</sup>. I am yong. Ye will say that ye have forgiven me oft times, and yet that I returne to my faultis. May not ane man of my aige for lacke of counslae fall twyse, or

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<sup>16</sup> *Sumwhat upon this.*] The marginal note in the English edition, was probably an omission, not of the original, but of the Scottish version, in which it was inserted on the margin, as the English translation preserves it in its proper place in the text. Whitaker's conclusion that the note was superinduced after the letters were shewn at York, (ii. 47.) is founded on a mistake already corrected, (supra, ch. iv. n. 22.) of the Scotch Extracts for the English Abstract, both of which we have annexed to these letters.

<sup>17</sup> *That he belevit to die for gladness.*] Qu'il pensa mourir

told him so much even of the marriage of Bastian. This bearer shall tell you now, upon that I asked him of his letters. And where he did complain of the cruelty of some of them. He said that he did dreame, and that he was so glad to see me that he thought he should die, indeed that he had found fault with me.

I went my way to sup. . . . This bearer shall tell you of my arriving. He prayed me to com agayne, which I did, and he told me his grief, and that he would make no testament, but leave all unto me, and that I was cause of his sickness for the sorrow he had, and that I was so strange unto him. And (said he) you asked me what I meant in my letter to speak of cruelty. It was of your cruelty, who will not accept my offres and repentance. I avow that I have don amisse, but not that I have also always disavowed, and so have many other of your subjects, and you have well pardoned them. I am young. You will say that you have also pardoned me in my time, but that I return to my fault. May not a man of my age, for want of coun-

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de joie ; but the whole sentence, in both versions, is indisputably French. Je l'enquis de ses lettres où il se plaignoit de la cruauté de quelques uns ; répondit qu'il rêvoit, et qu'il étoit si joyeux de me voir, qu'il pensa mourir de joie.

<sup>18</sup> *Hys* sickness.] Son *mal*, translated *grief* in the one, and *sickness* in the other, as his *maladie*, (*sa maladie*,) is rendered in the English version.

<sup>19</sup> Because of the regret that he had *that I was* so strange unto hym.] *A cause du regret qu'il avoit* que je lui étois si *étrange* ; alienated from him.

<sup>20</sup> *Quhilk ye have forgiven.*] In the English, *well* pardoned them, vous leur avez bien pardonné.

thryse, or in lack of hys promyse, and at last repent hymselfe, and be chastised by experience? If I may obteyne pardoun, I protest I shall never make fault<sup>21</sup> agayne. And I crave na uther thyng but that we may be at bed and bourd together as husband and wyfe, and if ye wyll not consent heirunto, I shall nevyr ryse out of thys bed. I pray you tell me your resolution. God knowes how I am punisht for making my god of you<sup>22</sup>, and for having no uther thought but on you, and if at any time I offend you, ye are the cause, because quhen any offendis me, if for my refuge I might playne unto you, I woulde speake it unto no uther body, but quhen I heare any thyng, not beyng familiar wyth you, necessitte constreynes me to kepe it in my breast. And that causes me to tyne my wit for very anger. I aunswerit ay unto hym<sup>23</sup>, but that woulde be ouer long to write at length. I askit quhy he would passe away in the Inglish schip, he denyes it and sweares thairunto, but he grantes that he spake wyth the men. After thys I inquirit him<sup>24</sup> of the inquisitioun of Hiegait, he denyit the same quhile I schewd hym the very wordes was spokin. At quhilke tyme he said that

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<sup>21</sup> *I shall never make fault agayne.*] *Faire faute*, not to commit a fault, but to fail, disappoint, or shrink from; (Cotgrave.) and Darnley, who had failed twice for lack of counsel, or in lack of promise, protests, if he may obtain pardon, never, *faire faute*, to fail or disappoint her in his duty again.

<sup>22</sup> *Making my god of you.*] *Pour vous faire mon dieu*. To make his god of one, is neither Scotch nor English, but the French phrase, “*Il en fait son dieu.*” Dict. de l’Acad.

<sup>23</sup> *I answerit ay unto hym.*] *Je lui repondis toujours*. To avoid a multiplicity of notes, many intermediate idioms,

eil, fail twice or thrice, and misse of promise, and at the last repent and rebuke himself by his repentance? If I may obtain this pardon, I protest I will not make fault again, and I ask nothing but that we may be at bed and table together as husband and wife, and if you will not, I will never rise from this bed. I pray you tell me your resolution hereof. God knoweth that I am punished to have made my God of you, and had no other mind but of you, and when I offend you some time, you are cause thereof; for if I thought when any body doth any wrong to me that I might for my resource make my moan thereof unto you, I will open it to no other; but when I hear any thing, being not familiar with you, I must keep it in my mind, and that troubleth my witts for anger. I did still answer him, but that I shall be to long. In the end I asked him whether he would go in the English ship. He doth disavow it, and sweareth so, but confesseth to have spoken to the men. Afterwards I asked him of the inquisition of Hiegate, he denied it till I told him the very words, and then he said that Minto sent him word

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which it is impossible to quote, are referred throughout to the reader's discernment.

<sup>24</sup> *After thys* I enquirit him of *the inquisition of Hiegait.*] Après cela je l'enquis de l'inquisition de Hiegate. In Mary's letter to Elizabeth, August 26. "*Enquirez-vous s'ils n'estoyent à Dumfries avec enx;*" (1568, Caligula, c. l.) and in her letter to Archbishop Beton, written in Scotch with her own hand, "Hiegate, being *enquyrit*, in our council, of his communication had with Walcar," (Keith, pref. 8.) the same phrase is introduced in writing upon the same subject four days before her letter to Bothwell.

Minto had adverteist him that it was sayd that sum of the counsell had brought ane letter to me to be subscrivet to put hym in pressoun, and to slay him if he mayd resistance. And he askit the same at Mynto hymselfe, quho aunswerit that he belevit the same to be true. The morne I will speake to hym uppoun thys point. As to the rest of Willie Hiegaitis he confessit it. But it was the morne after my cumming or he did it. He wald very faine that I should lodge in hys lodging, I refusit it, and sayd to hym, that he behovit to be purgeit, and that could not be done here, he sayd to me, I heare say ye have brought ane lytter wyth you, but I had rather have passit wyth you. I trow he belevit that I would have sent hym away prisoner: I aunswerit that I woulde take hym with me to Craigmillar quhair the medicinar and I myght helpe hym, and not be farre from my sonne, he aunswerit that he was reddie quhen I pleasit, so I would assure him of hys request. He desires no body to see hym, he is angry when I speake of Walcar and sayis that he shall plucke the eares out of hys head<sup>25</sup>, and that he lyes; for I inquyret him upoun that, and that he was angry wyth sum of the lordis, and would threaten them, he denies that, and sayis he luifs tham all, and prayes me to geve trust to nathing against him, as to me he wald rather geve hys life or he did any displeasure to me<sup>26</sup>. And after thys he shewd me of so

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<sup>25</sup> *Plucke the eares out of hys head.*] *Arracher les oreilles de la tête*, which is literally translated in the two versions. Our vernacular idiom is to pluck out his eyes, and to pull his ears, or to cut them off. "Therefore wald God I had his eris to pull;" (Gawin Douglas's *Virgil*, Prol. l. iv.) and



that it was said that some of the counsell had brought me a letter to sign to put him in prison, and to kill him if he did resist, and that he asked this of Minto himself, who said unto him that he thought it was true. I will talk with him to morrow upon that point. The rest, as Will Hiegate hath confessed, but it was the next day that he came hither. In the end he desired much that I should lodge in his lodging. I have refused it. I have told him that he must be purged, and that could not be done here. He said unto me, I have heard say that you brought the litter, but I would rather have gone with yourself. I told him that so I would myself bring him to Craigmillar, that his physicians and I also might serve him without being far from my son. He said that he was ready when I would, so as I would assure him of his request. He hath no desire to be seen, and waxeth angry when I speak to him of Wallcar, and saith that he will pluck his ears from his head, and that he lieth, for I asked him before of that, and what cause he had to complain of some of the lords, and to threaten them. He denyeth it, and saith that he had already prayed them to think no such matter of him. As for myself he would rather lose his life than do me the least displeasure; and used so many kinds of flatteries, so coldly and so wisely, as you would marvyle at. I had forgotten that he said that he could not mistrust me for Hiegate's word, for he would not believe that his ownself (which was myself)

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in these minute diversities of idiom, the original language is easily discerned.

<sup>26</sup> *Rather geve hys lyfe or he did any displeasure to me.]*  
*Plutôt donner sa vie que de me faire quelque déplaisir.*



many little flatteries, so couldly, and so wyislie<sup>27</sup>, that ye will abash thereat. I had almaist forgot that he sayd he could not doubt of me in this purpose of Hiegaittis, for he would never beleve that I quho was his proper flesh would do hym any evill, alsweill it was schawin that I refusit to subscribe the same<sup>28</sup>: but as to any uthers that would pursue him, at least he should sell hys life deare enough, but he suspected no body nor yit would not, but would luif all that I luffit, he would not let me depart fro hym, but desirit that I shoulde wake wyth him. I make it seeme that I beleve<sup>29</sup> that all is true, and takes heed thereto, and excusit my selfe for this night that I could not wake; he says that he sleepes not well, ye saw him never better nor speike mair humbler. And if I had not a pruiſ of hys hart of waxe, and that mine were not of ane dyamont, quhairintill no shot can make breach<sup>30</sup>, but that quhilk comes forth of your

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<sup>27</sup> Shewed me of so many little flatteries, so couldly and so wyislie.] M'a tant *montré de petites flatteries, si froidement et si sagement*; of which the import can only be discovered in French. Whitaker replies, that *tantum minutarum adulationum* is equally Latin; to avoid the sole point in dispute, whether the Scotch "he *schawed* me of so many little flatteries," is an idiom derived from a French original. "So couldly and so wyislie," *si froidement et si sagement*; in which *froidement*, chiefly used in a figurative sense, signifies "d'un maniere sérieuse et réservé;" (Dict. de l'Acad.) not, as Whitaker supposes, so coolly and wisely, but in a manner so serious and prudent, as would astonish Bothwell.

<sup>28</sup> *Refusit* to subscribe the same.] The passage refers to Minto's preceding information, that a letter to imprison Darnley, or to slay him, if he made resistance, had been brought to the queen. But the English translator, not per-

would do him any hurt, and indeed it was said that I refused to have him let blood, but for the others he would at least sell his life deare ynoughe, but that he did suspect no body, nor wold. But wold love all that I did love. He wold not let me go, but wold have me to watche with him. I made as though I thought all to be true, and that I would think upon it—and

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ceiving the reference, mistook *signer* for *saigner*, and from a passage in the next letter, converted the queen's refusal to sign the warrant, into a refusal to have him let blood. The difference not only demonstrates that the English is not derived from the Scotch, but that the two versions are both derived from a French original.

<sup>29</sup> *Make it seeme that I beleve.*] Faire semblant de le croire.

<sup>30</sup> *Of ane dyamont, quhairintill no shot can make breach.*] A heart of wax, or of diamond, are harsh, and hardly intelligible conceits; but *yeux de cire*, tender, easily melting, (Cotgrave.) *cœur de cire*, fickle, inconstant, as in the sonnets, "Vous dépeignez de cire mon las! *cœur*;" un *cœur de diamant*, a heart, not of diamond, but of adamant, are familiar in French. I could have pitied him, says Mary, si je n'ai pas une preuve de son *cœur de cire*, et que le mien n'étoit d'un *diamant* où nul *trait* pent *faire breche* que celui qui vient de vos mains.

Depuis le jour que la première *fleche*,  
De ton bel œil n'avança la douleur,  
Et que sa blanche et sa noire couleur,  
Forçant ma force, *au cœur me firent breche*.

Ronsard's Amours, l. i. son. 27.

And Mary, who knew the fickleness of Darnley's heart, and the tenderness of her own, that it was not of adamant, has adopted this last conceit from Ronsard, whose verses were undoubtedly in her contemplation at the time.

hand, I would have almaist had pitie of hym. But feare not, the place shall holde unto the death<sup>31</sup>. Remember, in recompence thereof, that ye suffer not yours to be wonne by that false race that wil travell no lesse with you for the same. I beleve they have bene at scholis together; he has ever the tear in his eye<sup>32</sup>; he salutes every body, yae unto the least, and makes pitious caressing unto them, to make them have pitie on hym. Thys day his father bled at the mouth and nose, gesse quhat presaige that is. I have not yit sene hym, he keepes hys chamber. The kyng desires that I should geve hym<sup>33</sup> meate wyth my owne handes. But geve na mair trust quhair you are than I shall do here. This is my first journey<sup>34</sup>, I shall end ye same to morrow. I write all thynges, howbeit thay be of littill weight, to the end that ye may take the best of all to judge upon. I am in doing of a werke here that I hait

<sup>31</sup> *The place shall holde unto the death.*] La place tiendra jusqu'à la mort.

<sup>32</sup> *He hes ever the tear in his eye.*] Quoted by Tytler as a Scotch proverb, though literally from the French phrase, *Il a toujours la larme à l'œil*. "I beleve they have been at schools together," *je crois qu'ils ont été à l'école ensemble*, is equally unknown in Scotch, though proverbial in French; *vous allez tous à la même école*, you all join in the same story, or play the same part. Miscel. Rem. 23. See Ferguson's Scotch Proverbs, 1598. and Kelly's, 1721, in which no such proverb is to be found.

<sup>33</sup> *That I should give him.*] The king; not, as Whitaker supposes, that she should give his father meat with her own hands, ii. 122.

<sup>34</sup> *This is my first journey.*] *C'est ma première journée*, her first day's work, in which the French idiom and word

have excused myself from sitting up with him this night, for he saith that he sleepeth not. You never heard him speake better nor more humbly; and if I had not proof of his heart to be as waxe, and that mine were not as a diamond, no stroke but coming from your hand would make me but to have pity of him. But fear not, for the place shall continue till death. Remember also in recompence thereof, not to suffer yours to be won by that false race that would do no less to yourself. I think they have been at school together. He hath always the tear in the eye. He saluteth every man, even to the meanest, and maketh much of them, that they may take pity of him. His father hath bled this day at the nose and at the mouth, guess what token that is. I have not seen him, he is in his chamber. The king is so desirous that I should give him meat with my own hands, but trust you no more there where you are than I do here. This is my first journey, I will end to-morrow. I write all, how little consequence soever it be of, to the end that you may take of the whole that shall be best {for you to judge}  
{for your purpose.}

I do here a work that I hate much, but I had begun it this morning, and you not list to laugh to see me so trimly make a lye, at the least dissemble, and to mingle

are preserved. It occurs in Chaucer and Winton, when the language abounded in Norman French, and in the Complaint of Scotland, Gawin Douglas, &c.; but in these instances, it uniformly signifies a military inroad, single combat, or battle. It is also used in husbandry, for the work done by a team of cattle; but a *journey*, in its French acceptance, for a day's work indiscriminately, is to be found in no other letter or composition of the age.

greatly. Have ye not desire to laugh<sup>35</sup> to see me lie so weill, at the least to dissembill so weill, and to tell hym truth betuix handis. He shewd me almaist all that is in the name of<sup>36</sup> the byschop and Suderland, and yit I have never toucheit ane word of that ye shewd me, but allanelie by force flattering<sup>37</sup>, and to pray hym to assure hymselfe of me. And by playning on the byschop, I have drawn it all out of hym<sup>38</sup>. Ye have heard the rest. We are coupled wyth twa false races, the devill sunder us, and God knitte us together for ever<sup>39</sup>, for the maist faythfull couple that ever he unitid.

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<sup>35</sup> *Have ye not desire to laugh.*] N'avez vous pas envie de rire.

<sup>36</sup> *In the name of.*] Au nom de, in the bishop's behalf, in the English version, where the idiom is dropt.

<sup>37</sup> *By force flattering.*] Not as Whitaker supposes, "of necessity flattering and to pray him," (ii. 130.) but a literal translation of the colloquial French phrase, force argent, force blé, force amis, a power of money, &c. mais seulement par *force* (de) *flatter* et le prier de s'assurer de moi; and the English version, "by much flattering," confirms this remark of Lord Hailes. Miscel. Rem. 21.

<sup>38</sup> *Drawn it all out of hym.*] Here the difference between the two versions affords a convincing proof of the French original. After two unsuccessful attempts to substitute something equivalent, the English gives us the French phrase *verbatim*; *tirer les vers du nez*; while the Scotch adheres to the words, "I have *drawn* it all *out* of him;" but rejects the proverbial idiom, *les vers du nez*, as unintelligible when translated. The passage refers apparently, not to Stewart Bishop of Caithness, Lennox's brother and Sutherland's brother-in-law, (Whitaker, ii. 129.) but to Gordon Bishop of Galloway, Sutherland's cousin, and uncle to Huntley, and

truth therewith. He hath almost told me all on the bishop's behalf and of Sunderland, without touching any word unto him of that which you had told me, but only be much flattering him, and praying him to assure himself of me; and by my complaining of the bishop I have disclosed all, I have known what I would. I have taken the worms out of his nose. You have heard the rest. We are tied to with two false races. The good yeere untye us from them. God forgive me, and God knit us together for ever, for the most faithful couple that e'er he did knit together. This is my faith, I will die in it. Excuse it if I write ill, you must guess the one half I can not do withal, for I am ill at ease,

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to Bothwell's wife, to whom, by a natural transition, the queen immediately returns.

<sup>39</sup> *The devill sunder us, and God knitte us together for ever.*] In the English version, "May the *good year* untye us;" the common corrupt expression of the age for the *gonjere*, or venereal disease. "What the *good year*?" occurs repeatedly in Shakspeare, and in other writers of the same period, as a modest expression for, *What the pox*. See Steevens' note on Lear, v. 3. Each version therefore employs a different proverbial expression for the same French imprecation. "We are coupled," says Mary to Bothwell, "wyth *two false races*;" (her husband, and his wife) "the devill sunder us (God forgive me, Eng.) and God knit us together for ever, for the maist faythful couple that ever he united." *Nous sommes liés avec deux fausses races, le diable nous sépare, (Dieu me pardonne) et Dieu nous noue ensemble pour jamais, pour le plus fidèle couple qu'il ait jamais noué.* And this last phrase occurs in her letter to Elizabeth, pour plus surement nouer eet nœud. Anderson, iv. part i. p. 50.



This is my fayth I will die in it<sup>40</sup>. Excuse if I write evill, ye may gess the halfe of it, but I can not mende it, because I am not weill at ease<sup>41</sup>; and yet very glad to writ unto you quhen the rest are sleepand, sithe I can not sleipe as they do, and as I would desire, that is in your armes, my deare love<sup>42</sup>, quhom I pray God to preserve from all evyll, and send you repose, I am gangand to seke myne till the

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<sup>40</sup> *This is my fayth, I will die in it.*] C'est ma foi, je veux y mourir; and her last letter to her almoner, before her execution, contains "Protestation de ma foi, dans laquelle je veux mourir." Mad. Keralio, v. 433.

<sup>41</sup> Excuse if I write evil, ye may gess the halfe of it, but I cannot mend it, because I am not weill at ease.] *Excuses si j'écris mal.* Il faut en deviner la moitié, mais je n'y saurois que faire (mend it, Scot. do with all, Eng.) car je ne suis pas bien a mon aise; and again, "excuse this evil wryting," at the conclusion of the letter. But these are inserted as excuses for the bad execution of the forgery, or for its difference from her real hand, Whitaker, ii. 132. Her hand writing, as it was formed in imitation of Italic print, was termed at Westminster a Roman hand, which, from the annexed specimen, it was difficult either to counterfeit, or to write distinctly when she wrote in haste; and in her subsequent letters the same excuses repeatedly occur. (*Excuses*) *moy si j'écris si mal*, car ces lettres que vous voirrez si faulsement inventees, m'ont fait tout envie si malade que je n'avois goutte pour escrire si tarde, car le porteur se haste: to Elizabeth, June 22d 1568, Calig. c. 1. Je vous supplie *excuses* *moy j'escris si mal*, car ayant resceu ces nouvelles, je ne suis pas si a mon ayse que devant, to Elizabeth, Aug. 23, ib. See the Plate No. 2. Je vous supplie *m'excuser si j'écris si mal*, car ma prison me rend plus mal seine et moyens habille a

and glad to write unto you when other folke be asleep, seeing that I can not do as they do, according to my desire, that is between your arms, my dear life, who I beseech God to preserve from all ill, and send you good rest, as I go to seek mine, till to morrow in the morning, that I will end my Bible. But it grieveth me that it should let me from writing unto you of news

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cest office ou a tout autre exercise : to Eliz. Nov. 6th 1569, *ib.* “*Excuse my evill writing*, for I never used it before. I am hasted,” and in the postscript, “*excuse my evil writing* this first time,” to Knolles, Sept. 1, 1568, *ib.* No such excuses occur in any preceding letters, and these were written about a year after her letters to Bothwell had been produced in the Scottish parliament. But in these letters she excuses her evil writing in the same words as in her long letter from Glasgow, written to Bothwell in haste at midnight, when her hand-writing must have degenerated into a mere scrawl. In all her letters, if the three first lines are regularly formed like Italic print, (as in the Plate, No. 1.) the rest successively deviate into a straggling distorted scrawl, (*ibid.* No. 2.) and are almost utterly illegible when written in haste; which explains the obscurity and frequent difference of the two versions, as the original was so hastily and badly written, that it was necessary to guess the one half.

<sup>42</sup> *That is in your armes, my deare love,*] life, Eng. C'est dan vos bras ma chere vie; in which the supposed indelicacy of the translation disappears; but the whole sentence is peculiarly French. Ma chere vie que, je prie Dieu à garder de tout mal et vous envoyer bon repos, comme je m'en vais chercher le mien jusqu'à demain matin. The queen meant to conclude for the night; and the same conclusion is observable in her letters to Elizabeth and others.

morne, quhen I shall end my Bybill <sup>43</sup>, but I am fascheit that it stoppies me to write newis of my self unto you, because it is so lang. Advertise me quhat ye have deliberat to do in the matter ye know upon thys point, to the end that we may understand uthers weill, that nothing thairthrough be spilt. I am irkit <sup>44</sup> and ganging to sleipe, and yit I cease not to scribe all thys paper, insamickle as restis thairof <sup>45</sup>. Waryed might this pokkish man be <sup>46</sup>, that causes me have sa mickle paine: for without him I shold have ane far plesander subject to discours upoun. He is not overmickle diformit, yet he hes received verie mickle <sup>47</sup>. He hes almaist slayne me with his breth <sup>48</sup>, it is werse then your

<sup>43</sup> *My Bybill.*] Converted into *bylle* by Goodall, from a misprint of Cecil's or Murray's Diary, in Anderson, ii. 272. Goodall's emendation would only prove what was never disputed, that the present French, professedly a translation from the Latin, is not the original. But in the original MS. the Diary has, "and in this tyme wraytt hir *byble* and utheris letteres to Bothwell;" and its concurrence with the Scotch and English translations, assures us that such was the original word. Lord Hailes conjectures that Mary wrote, *mon babil*, my chat; but the more probable interpretation is, that at the end of a strain of piety, she terms the long letter hir bible, from its great length. Chaucer uses the word repeatedly for a large book.

<sup>44</sup> *I am irkit.*] Nudata sum in the Latin, a blunder too gross for Buchanan to commit. As the English translator was not more likely than Wilson, the Latin translator, to comprehend the Scotch word *irkit*, his version, "I am weary," must have been derived from the original French; je suis lasse et m'en vais dormir.

of myself, much I have to write so *long the same is*. Send me word what you have determined hereupon, that we may know by the one the others mind for marring of any thing. I am weary, and am asleep, and yet I cannot forbear scribbling as long as there is any paper. Cursed be this pocky fellow that troubleth me thus much, for I had a pleasanter matter to discourse unto you but for him. He is not much the worse, but he is ill arrayed. I thought I should have been killed with his breath, for it is worse

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<sup>45</sup> I cease not to *scribe all thys paper* inasmickle as restis *thairoff*.] In the English, “as long as there is any paper.” Je ne saurois que griffoner autant qu’y reste du papier. Instead of stopping for the night she finishes the sheet, and continues her letter on the paper containing her memorial or notes.

<sup>46</sup> Waryed *might this* pokkish *man be*.] Maudit soit ce verolé, qui me cause tant de peine.

<sup>47</sup> *He is not* overmickle deformit, *yet he hes* received very mickle.] Il n’est pas trop gâté, (il a le visage gâté de petite vérole) mais il a beaucoup reçu ; in the extracts of the Scotch commissioners, “He is not over mikle spilt, yet he hes *gotten* very mikle ;” altered at Westminster from *spilt*, (spoilt) which was ambiguous or unintelligible, to *deformit*, and from *gotten*, to *receivit*, to accord with the original, which relates rather to the small pox than to poison. “Ill arrayed,” in the English version, is explained by the great resemblance then between *r* and *v*, *c* and *t*, from which the translator mistook *rescu* for *vestu* in the queen’s hasty scrawl, of which he guessed the one half.

<sup>48</sup> *He hes* almaist slayne me with his breth.] “I thought I should have been killed with his breath,” Engl. Il a *pensé* me *tuer* de son haleine, of which Whitaker quotes the translation as proverbial Scotch, i. 228.

uncles, and yet I cum na nearer unto him but in ane chayre at the beds fute <sup>49</sup>, and he beyng at the uther end thair of.

The massage of the father in the gait.

The purpose <sup>50</sup> of Sir James Hammeltoun.

Of that the lord of Lusse shewd me <sup>51</sup> of the delay.

Of the demaundis that he askit <sup>52</sup> at Ioachim.

Of my estait, of my cumpany, of the occasioun of my cumming, and of Joseph.

Item, the purposis that he and I had together.

Of the desire that he hes to please me, and of hys repentance.

Of the interpretatioun of his letter.

Of Willie Hiegaittis matter of hys departing.

Of Monseur de Levingstoun <sup>53</sup>.

I had almost forgot that Monsier de Levingstoun sayd in the lady Reres care <sup>54</sup> at suppar, that he wald drink to the folke that I wist of, if I wald plege thame. And eftir suppar he sayd to me quhen I wes lenand upoun hym, warming me at the fyre, ye have fayr going to se sik folk <sup>55</sup>, yit ye can not be sa welcum to thame,

<sup>49</sup> *At the beds fute.*] “By his *bolster*, Eng. *dans la ruelle*, probably in the original, the narrow passage between the bed and the wall.

<sup>50</sup> *The purpose.*] *Le propos*, a French idiom that repeatedly occurs, and of which the English version preserves the sense. “Of the ambassador,” in the English version, is omitted in the Scotch, as the allusion to Houston, perhaps, was not understood.

<sup>51</sup> *Of that that the lord of Lusse shewd me.*] *De ce que le Sieur de Luss m’a montré*, the very style and form of a French memorandum.

<sup>52</sup> *Of the demaundis that he askit.*] A French idiom, *les de-*

than your uncle's breath, and yet I was set no nearer to him than in a chair by his bolster, and he lieth at the further side of the bed.

The message of the father by the way.

The talk of Sir James Hamilton of the ambassador.

That the lord of Lusse hath told me of the delay.

The questions that he asked of Ioachim, of my state, of my company, and of the cause of my coming, and of Joseph.

The talk that he and I have had, and of his desire to please me, of his repentance, and of the interpretation of his letter, of Will Hiegate's doing, and of his departure, and of the L. of Livingstoun.

I had forgotten of the L. of Livingstoun, that he at supper said softly to the lady Reres, that he drank to the persons I knew of, if I would pledge them. And after supper he said softly to me, when I was leaning

mandes qu'il fit. To ask a demand, instead of a question, in the English version, is French not Scotch.

<sup>53</sup> *Of Monsieur de Levingstoun.*] For the Lord Livingston, an incidental mark of the French original.

<sup>54</sup> *Sayd in the lady Reres eare.*] From *dit à l'oreille*, the proper French phrase for whispering.

<sup>55</sup> *Fayr going to se sik folk.*] Which the Latin translator, mistaking *sik* for *sic*, (such) has rendered *bella hujusmodi hominum vistatio*. By an unhappy conjecture, that Buchanan, the supposed translator, had also mistaken *sair* for *fair*, Goodall converts the passage into "sair going to seik folk," (i. 82.) which Tytler turns into a Scotch proverb, (i. 228.) as if Livingston's address to the queen in a Scotch phrase, could prove that the letter was in the same language. But the English version ascertains the original French phrase of which those writers were ignorant; *c'est un beau venez y voir des gens malades*, a familiar expression for a worthless sight.



as he left sum body this day in regrait, that will nevir be blyth quhill he se you againe. I askit at hym quha that wes: with that he thrustit<sup>56</sup> my body and sayd, that sum of hys folkes had seen you in fascherie, ye may gesse at the rest. I wrought thys day quhill it wes twa houris upoun thys bracelet, for to put the key of it wythin the lock thereof, quhilk is coupled undir-neth with twa cordwinis<sup>57</sup>. I haif had sa littil time that it is evill mayd: but I sall make ane fairer in the meane tyme. Take heid that nane that is heir se it, for all the warld will knaw it; because for haist it wes maid in their presence. I am now passand to my faschious purposes<sup>58</sup>. Ye gar me dissemble sa far that I haif horring thairat: and ye cause me do almost the office of a traitores. Remember how<sup>59</sup> gif it wer not to obey you, I had rather be deid or I dyd it; my heart bleides at it. Summa, he will not come with me, except upoun conditioun that I will promise to him that I sall be at bed and bourde with hym as of befoyr,

<sup>56</sup> *Thrustit my body.*] Pressed or embraced her with his arm, as in the English version, not as Whitaker supposes, (ii. 154.) punched her with his elbow. “He thirstis her hand agane full previlie.” Pinkert. *Anc. Scot. Poems*, i. 71. That Livingston did not attend her from Callender, his own house, to Glasgow, is a gratuitous assertion. Whit. *ib.*

<sup>57</sup> *Quhill it wes twa houris—for to put the key of it wythin the lock thereof, quhilk is coupled with twa cordwines.*] Jusqu’à deux heures pour y mettre la clef dans le trou, (clift, Eng.) qui est attachée par deux *cordons*; a French word to be found no where else in Scotch.

<sup>58</sup> *I am now passand to my faschious purposes.*] Je m’en vais à mon *fascheux propos*, in which, if the words are sepa-

upon him and warming myself, you may well go and see sick folk, yet can you not be so welcome unto them, as you have this day left some body in pain, who shall ne'er be merry till he hath seen you again. I asked him who it was; he took me about the body, and said one of his folk that hath left you this day. Guess you the rest.

This day I have wrote till two of the clock upon this bracelet, to put the key in the clift of it, which is tied with two laces. I have had so little time that it is very ill, but I will make a fairer, and in the meantime take heed that none of those that be here, do see it, for al the world would know it, for I have made it in haste in their presence. I go to my tedious talk. You make me dissemble so much, that I am afraid thereof with horreur, and you make me almost to play the part of a traitor. Remember that if it were not for obeying you, I had rather be dead. My heart bleedeth for it. To be short, he will not come but with condition that I shall promise to be with him as heretofore, at bed and

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rately Scotch, the sense and idiom are strictly French. The same phrase occurs in Le Croc's letter on the queen's sickness; "Je n'ay point voulu escrire à M. le C. de Lorraine de si *facheux propos*." Keith, Append. 133. and in Mary's letter to Elizabeth, qui m'oste le subject de vous escrire d'un si *facheux stile*. Haynes, 469.

<sup>59</sup> Remember how.] A misprint for you; Souvenez-vous. In her letters to Elizabeth, "Souvenez-vous que j'ay tenu promesses." Anderson, iv. 49. Souvenez-vous que je vous ay dit, Aug. 13, 1568. Calig. c. i.; and in her letters to Norfolk, "I must remember you of your own (herself) at times." Hardwicke State Papers, i. 191.

and that I sall leave him na ostar<sup>60</sup>: and doing thys upoun my worde, he will do all things that I pleis, and cum with me; bot he has prayit me to remane upoun hym quhill uther morne<sup>61</sup>. He spake verie bravely at the beginning, as thys bearer will schaw you, upoun the purpois of the Englishmen, and of hys departing: bot in the end he returnit agane to hys humilitie. He schawit amangis uther purposes that he knew weill anewch, that my bruther had schewin me that thing quhilk he had spoken in Strivelling: of the quhilk he denyis the ane half, and above all, that ever he cum in his chamber. For to make him traist me, it behovit me to fayne in sum thingis with him<sup>62</sup>: therefoyre quhen he requestit me to promise unto him, that quhen he was hail, we sould haif both ane bed<sup>63</sup>. I sayd to him, feyningly, and making me to beleve his promisis, that gif he changit not purposis<sup>64</sup> betuix this and that time, I wald be content therewith, bot in the meane tyme I bad him take heid that he let na body wit thereof; because to speike amangis our selfis, the lordis could nat be offendit, nor wyll evill thairfoyr. But they wald feire in respect of the boasting he mayd of tham, that if ever we aggreit togidder, he should make tham know the litil compt they tuke of him: and that he counsallit me not to purches sum of tham by him: thay for thys caus wald be in jelosy, gif atta-

<sup>60</sup> *Na ostar.*] For, “na eftir” in the extracts of the Scotch commissioners; and those obvious mistakes of the English press, are converted by Whitaker into proofs of forgery.

<sup>61</sup> *Quhill uther morne.*] In the English “till after to-morrow,” *après demain*; Sunday that she remained with the king.

board, and that I shall forsake him no more, and upon my word he would do whatsoever I will, and will come, but he hath prayed me to tarry till after to morrow. He hath spoken at the first more pleasantly, as this bearer shall tell you, upon the matter of the Englishmen and of his departure; but in the end he cometh to his gentleness again. He hath told me, among other talk, that he knew well that my brother had told me at Stirling that which he had said there, whereof he denied the half, and specially that he was in his chamber. But now to make him trust me, I must feign something unto him, and therefore when he desired me to promise that when he should be well, we should make but one bed, I told him (feigning to believe his fair promises) that if he did not change his mind between this time and that, I was contented, so as he would say nothing thereof, for (to tell it between us two) the lords wished no ill to him, but did fear lest, considering the threatening which he made in case we did agree together, he would make them feel the small account they have made of him, and that he would persuade me to pursue some of them, and for this respect, should be in jealousy, if {by and by } without their  
{at one instant }

<sup>62</sup> *It behovit me to fayne in sum thingis with him.*] In the English, “I must feign something unto him,” each a literal translation of, *Il faut que je lui feigne quelque chose.*

<sup>63</sup> *That we sould haif both ane bed.*] “Make but one bed,” in the English; *que nous ne ferions qu’un lit*, in which the original idiom can admit of no dispute.

<sup>64</sup> *Making me to beleve—gif he changit not purposis.*] *Me faisant croire, s’il ne changoit de propos.*

nis <sup>65</sup> without thayr knowlege, I sould breke the play <sup>66</sup> set up in the contrair in thayr presence. He sayd very joyfully: And thinke you thay will esteme you the mayr of that: bot I am very glad that you speike to me of the lordis, for I beleve at thys time ye desire that we shold leif togidder in quietnes; for gif it wer utheways, greitter inconvenience might come to us baith than we are ware of: but now I will do quhat evir ye will do; and will lufe all that ye lufe, and desyres you to make tham lufe in like maner; for sythe they seeke nat my lyfe, I lufe thame al equally. Upoun this poynt this berar will schew you many small thinges <sup>67</sup>. Becaus I haif over mikle to write, and it is lait, I gief traist unto him upon your word. Summa, he will ga upoun my word to all places. Alas, I nevir deceivit any body; but I remit me altogidder to your will <sup>68</sup>. Send me advertisement quhat I sall od <sup>69</sup>, and quhatsoever thing sall come thereof, I sall obey you. Advise to with your self if ye can finde out ony mair secrete inventioun by medicine <sup>70</sup>; for he should take medicine and the bath at Craigmillar. He may not cum forth of the house this

<sup>65</sup> *Attanis.*] Dans un instant; which is twice translated “at one instant,” and “by and by” interlined in the English version.

<sup>66</sup> *Breke the play.*] Briser le jeu.

<sup>67</sup> *Many small thinges.*] Plusieurs *belles choses*: pretty things, in the English version.

<sup>68</sup> *I remit me altogidder to your will.*] *Je m'en rapporte à votre volonté*, of which the reflected verb is preserved in the translation.

<sup>69</sup> *Quhat I sall do.*] Whether to carry the king to Craigmillar, or to the Kirk of Field.

<sup>70</sup> *By medicine.*] Explained by Goodall, i. 327. *without*



knowledge I did break the game made to the contrary in their presence. And he said unto me very pleasant and merry, think you that they do the more esteem you therefore? But I am glad that you have talked to me of the lords. I hope that you desire now that we shall live a happy life, for if it were otherwise, it could not be but greater inconvenience should happen to us both than you think. But I will do now whatsoever you will have me do. I will love all those that you shall love, and so as you make them to love me also. For so as they seek not my life, I love them all egally. Therupon I have willed this bearer to tell you many pretty things, for I have too much to write, and it is late, and I trust him upon your word. To beshort, he will go any where upon my word. Alas! I never deceived any body, but I remit myself wholly to your will, and send me word what I shall do, and whatsoever happen to me, I will obey you. Think also if you will not find some invention more secret by physick, for he is to take physick at Craigmillar, and the bath also, and shall

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medicine, for which he quotes a MS. of the Latin Detection, in which it was translated, *quam per medicinam*, as in the French translation, *que par breuvage*. The only known copy of the Detection, written before the publication of the Latin edition, is Caligula, D. i. ; but the passage in question was obliterated by the fire in the Cotton Library, October 23, 1731, above twenty years before Goodall published. From the context, and from the English version, "it is obvious that some more secret invention by medicine, for he *should take* medicine and the bath at Craigmillar," can no more signify *without* medicine, (than which there was nothing more secret to be found,) than *by sea*, in Beton's letter, (No. X.)



lang time<sup>71</sup>. Summa, by all that I can lerne, he is in greit suspicioun : and yit, notwithstanding, he geives credeit to my word; bot yit not so farre that he will schew any thing to me. Bot, nevirtheslesse, I sall draw it out of him, gif ye will that I avow all unto him. But I will never rejoyce to diffame (dissave) any body that trustis in me; yit, notwithstanding, ye may command me in all thingis. Have no evill opinion of me for that caus, by reason ye are the occasioun of it your selfe, because for my awin particular revenge I wald not it do to him. He geves me sum checkes of that quhilk I fearit yea even in the quicke<sup>72</sup>, he sayis thys far, that his faultis were publeist, bot thare is that committes faultis that beleves thay wil nevir be spoken of, and yit thay will speike of greit and small. As towart the lady Reres, he sayd, I pray God that sche may serve you for your honor. And sayd, it is thought, and he beleves it to be trew, that I haif not the power of

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that Bastian returned from France by land. To obviate the imputation of poison, Goodall quotes and describes the MS. as the identical copy presented to Elizabeth, yet he durst not specify where it was lodged.

The Detectio Mariæ Caligula, D. I., uniformly describes Murray, *qui nunc est prorox*, which was altered in the Latin edition to *prorox postea fuit*, and in one place to *postea prorox, nunc et ipse occisus est*. The interlineations are in a different hand from the text; and the running margin is different from both; nor are the corrections always observed in the printed edition. The Action and Letters are annexed in the same hand, which might at first seem to indicate, that the whole was Buchanan's. But the Action contains no note of time, to ascertain whether it was written before, or after Murray's death; whom the MS. of the Detection never men-

not come forth of long time. To be short, for that I can learn, he hath great suspicion, and yet, nevertheless, trusteth upon my word, but not tell me as yet any thing; howbeit, if you will that I shall *avow* him, I will know all of him, but I shall never be willing to beguile one who putteth his trust in me. Nevertheless, you may do all, and do not esteem me the less therefore, for you are the cause thereof. For, for my own revenge, I would not do it. He *giveth me certain charges*, (and these strong) of that that I fear, even to say that his faults be published, but there be that commit some secret faults, and fear not to have them spoken of so lowdely, and that there is speech of greates and small, and even touching the lady Reres, he said God grant that she serve you to your honor, and that any may not think, nor he neither, that mine own power was not in myself, seeing I did refuse his offers.

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tions, without the addition, *qui nunc est prorox*, as then alive. As every such allusion is avoided in the Action, I conclude that the MS. in question was a fair copy, corrected and submitted to Cecil by Wilson, before his autograph was sent to the press. As a farther confirmation, the title of the Action is superinduced upon the margin, and the title of the Letters is left blank, to be supplied, together with the running margin of the Action and Letters, when sent to the press.

<sup>71</sup> *He may not cum forth of the house this lang time.*] Il ne peut pas sortir du logis de long tems.

<sup>72</sup> *He geves me sum checkes—yea even in the quicke.*] In the English version, “He giveth me *certain charges*, and these strong;” a different translation of the same word and phrase, il m’a donné *quelque atteintes, oui jusqu’au vif*; which Tytler has also transmuted into a Scotch proverb.

myselfe unto myselfe<sup>73</sup>, and that because of the refuse I maid<sup>74</sup> of his offeris. Summa, for certaintie he suspects of the thing ye knaw, and of hys lyif<sup>75</sup>. But as to the last, how sone that I spake two or thre gude wordis unto hym, he rejoicis and is out of dout. I saw him not this evening, for to end your brecelet, to the quhilke I can get no lokkis<sup>76</sup>, it is reddy to tham, and yet I feare that it will bring some malheur, and may be seene if ye chaunce to be hurt<sup>77</sup>. Advertise me if ye will have it, and if ye will have mair silver, and quhen I shall returne, and how far I may speake<sup>78</sup>. He inra-

<sup>73</sup> That I haife not the power of myselfe unto myselfe.] Que je n'ay pas dans moi-même, le pouvoir de moi-même; a French phrase, of which the Scotch and English are harsh translations.

<sup>74</sup> *The refuse I maid.*] Le refus que je fis.

<sup>75</sup> Summa, for certaintie he suspects of the thing ye knaw, and of hys lyif.] Somme, pour certain il (la) soupçonne de ce que vous savez, et de sa vie.

<sup>76</sup> Lokkis.] Clasps, Engl. *Agraffes*, which the Scotch translator mistook for locks. But the English version removes the apparent contradiction in the Scotch, that the queen could find *na lokkis*, when in a former passage, she had wrought till *two hours* to put the key within the lock or cleft; *dans la trou*. The bracelet, I suppose, had an ornamental or false lock and key, but was fastened beneath with two cords, instead of clasps, which she could not procure at Glasgow. In reverting to that circumstance, she asks Bothwell whether he would have the bracelet, which she forbore to send in that unfinished state; but having promised to make *ane fairer*, she afterwards sent both, by Paris upon her return to Linlithgow. Paris's Second Confession. Appendix, No. XXVI.

To conclude, for assuredly he mistrusteth her of that that ye know, and for his life. But in the end, after I had spoken two or three good words to him, he was very merry and glad. I have not seen him this night for ending your bracelet, but I can find no clasps for it, it is ready thereunto, and yet I fear lest it should bring you ill hap, or that it should be known if you were hurt, send me word whetheryou will have it, and more money, and when I shall return, and how far I may speak.

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<sup>77</sup> Some malheur, and may be seene if ye chaunce to be hurt.] *Quelque malheur.* It is certain from the dress and pictures of the age, that bracelets were never worn by men; nor was Bothwell's bracelet intended to be seen. But we discover incidentally, from Birrel's Diary, that in his rencounter with the thief in Liddesdale, he was *deidly wounded in the hand* in the October preceding; from Paris's First Confession, that he required his assistance, *le détacher*, to untruss his points, within a fortnight after this letter was written; and from Hepburn's Confession, that in returning to the palace after the murder, he was afraid to leap a broken part of the town wall, *because of his sair hand*. The queen, therefore, who sent the bracelet to be worn, either as a secret favour, or for fastening the bandage of his *sair hand*, was afraid that it might be seen and known, if his maimed hand should receive any hurt. An apprehension at first sight so apparently groundless, bestows additional confirmation on the letters when explained.

<sup>78</sup> And how far I may speake.] Referring to a former passage, that she would draw all out of him, "gif ye will that I avow all unto him." But a whole sentence is added in the English version, with a part of the original French interlined. "Now as far as I can perceive, *j'ay bien la vogue avec vous;*" not that *she could do much without him*, but, I

gis<sup>79</sup> quhen he hearis of Lethington, or of you, or of my brother. Of your brother he speikis nathing<sup>80</sup>, he speiks of the Erle of Argyle. I am in feir quhen I heare him speike; for he assuris himself that he hes not ane evill opinioun of him. He speikes nathing of tham that is out<sup>81</sup>, nouthir gude nor evill, but fleis that point. His fader kepis his chamber, I haif not seene him. All the Hammiltonis ar heir, that accompanies me verie honorably<sup>82</sup>. All the frendis of the uther conveyis me quhen I gang to se him. He desiris me to come, and see him ryse the morne betime. For to make schort, this berar will tell you the rest. And if I learne any thing heir, I wyll make you memoriall at evin<sup>83</sup>. He wyll tell you the occasioun of my remaining. Burne this letter, for it is ovir dangerous, and na thing well sayd in it: for I am thinkand upoun nathing but fascherie<sup>84</sup>. If you be in Edinburgh at the

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am in such vogue with you, guess you therefore whether I shall not be suspected; if she should speak any farther of Bothwell, in order to draw from her husband his suspicions or designs. "As to the rest," in the next sentence, limits her question how far she might speak, to her apprehension of being suspected if she spoke farther of Bothwell; and where the whole sentence is omitted in the Scotch as unintelligible, the original French phrase, interlined as of doubtful import, and actually misunderstood, in the English version, affords the most incontestable proofs of the French original.

<sup>79</sup> *He inragis.*] Il enrage.

<sup>80</sup> *Of your brother he speikis nay thing.*] De votre frere il ne dit rien; of which the inversion is peculiarly French.

<sup>81</sup> *Tham that is out.*] Qu'ils sont au dehors; though particularly applicable to George Douglas, Daruley's uncle,



Now as far as I perceive {j'ay bien la vogue avec vous  
 {I may do much without you.  
 Gesse you whither I shall not be suspected. As for the rest, he is mad when he hears of Ledinton, and of you, and my brother. Of your brother he sayeth nothing, but of the Earl of Argyle he doth; I am afraid of him to hear him talk, at the least he assureth himself that he hath no ill opinion of him. He speaketh nothing of these abroad, neither good nor ill, but avoideth speaking of them. His father keeping his chamber I have not seen him. All the Hamiltons be here, who accompany me very honestly. All the friends of the others do come always when I go to visit him. He hath sent to me, and prayeth me to see him rise to morrow in the morning early. To be short, this bearer shall disclose unto you the rest, and if I learn any thing, I will make every night a memorial thereof. He shall tell you the cause of my stay. Burn this letter, for it is too dangerous, neither is there any thing well said in it, for I think upon nothing but upon grief if you be at Edinburgh.

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excluded from the indemnity, it may allude in general to Morton and his associates, who were still prohibited to approach within seven miles of the court.

<sup>82</sup> *Verie honorable.*] In the English version, "very honestly," (*très honnêtement*) both derived from the same original.

<sup>83</sup> *I wyll make you memorial at evin.*] Je vous ferai memoire au soir. Memoir and memorial are notes for remembrance; *faire memoire*, to take notes.

<sup>84</sup> *Nothing but fascherie.*] Fash and fashious, (troublesome) are common in Scotch, but the French word *fâcherie* (grief, vexation) was seldom used.



Huntley.

Bothwell's  
own wife.

receit of it, send me worde sone<sup>85</sup>. Be not offendit, for I geif not ovir greit credeit. Now seying to obey you, my deir lufe, I spare nouthor honor, conscience, hasarde, nor greitnes quhatsumevir, take it, I pray you, in gude pairt: and not eftir the interpretation of your false gude brother: to quhome I pray you gyif na credit, aganis the maist faithfull luffar that evir ye had, or evir sall haif. Se nat hir quhaies faynit teares should nat be sa mickle praysit nor esteemit, as the trew and faythfull travail, quhilke I sustayne for to merit hir place. For obtayning of the quhilke agains my naturall<sup>86</sup>, I betrayis thame that may impesche me. God forgyif me, and God gyif you my onely lufe the hap and prosperitie, quhilk your humble and faythfull luif desiris unto you<sup>87</sup>, quha hopis to be shortlie ane uther thyng to you, for the rewart of my irksom travellis. It is lait, I desire nevir to ceisse fra writyng unto you, yit now after the kissing of your hands I wil end my letter. Excuse my evill writing, and read it twice over. Excuse that thing that is scribled, for I had no paper yesterday, quhen I wrait that of the memoriall. Remember upon you luif<sup>88</sup>, and write unto hyr, and

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<sup>85</sup> *Send me word sone.*] Whether to carry the king to Edinburgh, or to Craigmillar.

<sup>86</sup> *For obtayning of the quhilke agains my naturall.*] Pour l'obtenir contre mon naturel; a French word retained in the translation. To appropriate the word indisputably to Mary, she writes in her subsequent letters to Elizabeth, "Avant que votre bon naturel s'est commencé à faire paroître," Haynes, 469. "Or, votre honneur, promesse, bon naturel cœur de lion, et auctorité parle pour moi." August 3d, 1568, Calig. C. 1. "Laquelle sentant plus de defiance que je n'en veulx avoir de votre bon naturel." Sep. 1st. ib. "Et plus votre honneur et

Now if to please you, my dear life, I spare neither honor, conscience, nor hazard, nor greatness, take it in good part, and not according to the interpretation of your false brother in law, to whom I pray you give no credit against the most faithfull lover that ever you had or shall have. See not also her whose feigned tears you ought not more to regard than the true travails which I endure to deserve her place, for obtaining of which, against my own nature I do betray those that could lett me. God forgive me, and give you, my only friend, the good luck and prosperity that your humble and faithfull lover doth wish unto you, who hopeth shortly to be another thing unto you, for the reward of my pains. I have not made one word, and it is very late, although I should never be weary in writ-

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bon *naturel* feront forces de paroître.” Sep. 24, *ibid*. And again in her celebrated letter on Elizabeth’s amours, “Cognoissant le *naturel* de la comptess.” Murdin, 558. The same word occurs in Murray’s answer to a letter from Mary, August 7, 1568. “I have ressavit your hienes letter the soume quhairoff consists chieffie in the accusation of my unthankfulness and *evil natural*.” Anderson, iv. 117. But his *evil natural* is evidently the French phrase, *son mauvais naturel* (un homme d’un bon, d’un *mauvais naturel*) retorted from her own letter as an opprobrious epithet; and there the same process of translation was necessary, as in her letter to Bothwell, to introduce the word into Scotch.

<sup>67</sup> *Quhilk your—luif* desiris unto you.] Que votre amante vous *désire*. To desire prosperity to one, (je vous *désire* toute sorte des prospérités (Diet. de l’Acad.) is peculiarly French.

<sup>68</sup> Remember upon your *luif*.] *Souvenez* vous de votre amie. *Souvenez vous* du propos de Madame Reres; phrases harsh in Scotch.

that verie oft. Love me as I sal do you. Remember  
you of the purpoes of the lady Reres.

Of the Inglismen.

Of his moder.

Of the Erle of Argile.

Of the Erle Bothvile.

Of the lugeing in Edinbrough<sup>89</sup>.

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<sup>89</sup> Remember you—*of the lugeing in Edinbrough.*] *Souvenez vous*, in the common style of a French memorandum, may be addressed either to herself or to Bothwell, which renders it doubtful whether the second series of notes be the memorandums of Friday, and as such omitted in the English version, or the credit given to the bearer as the Scottish commissioners supposed in their extracts. They may be traced, all but one (“of his mother,” a forgotten

ing to you, yet will I end, after kissing of your hands. Excuse my evil writing, and read it over twice. Excuse also that I scribbled, for I had yesternight no paper, when I took the paper of a memorial. Pray remember your friend, and write unto her, and often; love me always as I shall love you.

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topic) in the postscript or second part of the letter, containing "the purpose (or the king's conversation) of the lady Reres; of the Englishmen; of the Earl of Argyle; of the Earl Bothwell; of the lodging in Edinburgh," which is twice implied; but of these topics, the first and last may be found also in her verbal instructions to Paris; (Second Confession; the second is referred to the bearer in the letter itself; and Bothwell's name in the third person, is the only certain indication that these were memorandums, like those in the middle, for the queen's own use.

## LETTER II.

*A Letter written by hir from Glasgow to Bothwell, proving hir hate to hir husband, and some suspicions of practising hys death, quhilk letter was written in French, and here ensueth translatit word for word.*

*Il semble qu' avecques vostre absence so itjoynt l'oubly, veu qu'au partir vous me promistes de vos nouvelles. Et toutesfoys je n'en puis apprendre, &c.*

IT appearis that with your absence there is alswa jointit forgetfulnes, seand that at your departing you promisit to make me advertisement of your newis from tyme to tyme. The awaytyng upon tham yesterday<sup>1</sup> causit me to be almaist in sic joy as I will be at your returning, quhilk ye have delayit langer then your promise was<sup>2</sup>. As to me, howbeit, I have na further

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<sup>1</sup> *The awaytyng upon tham yesterday.*] En les attendant hier, (expecting to hear from him) an appropriate French phrase, of which, the *awaiting upon news*, is a literal and harsh translation.

<sup>2</sup> *Causit me to be almaist in sic joy as I will be at your returning, quhilk (news) ye have delayit langer then your promise was.*] En les attendant hier me causerent presque autant de joie que j'en aurai à votre retour, *que* vous avez différées plus long tems que votre promesse. Here the peculiar construction of the French participle, *vous me promistes de vos nouvelles—en les attendant—que* vous avez différées, at once removes the ambiguity of the translations. Bothwell had promised, not to return, but to let her hear from him yesterday, which he had deferred longer than his

newis from you, according to my commissioun<sup>3</sup>, I bryng the man with me to Craigmillar upon Monday, quhair he wil be all Wednesday, and I will gang to Edinburgh to draw blude of me<sup>4</sup>, gif in the meane tyme I get na newes in the contrarie fra you. He is mair gay then evir<sup>5</sup> ye saw him, he puttis me in remembrance of all thyngis that may make me beleve he luffis me. Summa ye will say that he makis love to me<sup>6</sup>: of the quhilk I take sa greit plesure, that I entir nevir quhair he is, but incontinent I take the seiknes of my sore side,

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promise was; and, to authenticate the letters, the obvious meaning of the passage, can be expressed literally in no other than in the original language. See Vol. I. p. 301.

<sup>3</sup> *Accordyng to my commissioun.*] Suivant ma commission; her instructions or orders since she has heard no farther; quoique je n'aye plus de nouvelles, from Bothwell.

<sup>4</sup> *To draw blude of me.*] For the pain in her side; and this passage, no doubt, led the English translator to mistake *signer* for *saigner*, in the first letter. (29.)

<sup>5</sup> *Mair gay then evir.*] Plus gai que jamais. Darnley, hitherto confined to bed, had desired her last night, "to come and see him rise the morn betyme," (le voir se lever demain;) and she describes his health and gaiety that morning to Bothwell. All this is inconsistent, says Whitaker, with his being still so weak as to be conveyed in a litter to Edinburgh; as if gaiety were incompatible with his convalescence, and unexpected reconciliation with the queen his wife.

<sup>6</sup> *Makis love to me.*] In the extracts of the Scotch commissioners, "he makes the court to me;" a literal translation of the French phrase, *faire la court*, altered to, "makes love to me," in the interval between the Latin translation, (me cum summa observantia ambiat et colat) and the press.



I am sa troublit with it<sup>7</sup>. Gif Pareis bryngis me that quhilke I send hym for<sup>8</sup>, I trust it sall amend me. I

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<sup>7</sup> Of the quhilk I take sa greit plesure, that I entir nevir quhair he is, but incontinent I take the seiknes of my sore side, I am sa troublit with it.] *Dont je prend tant de plaisir que je n'entre jamais où il est, qu'incontinent j'ai mal au côté ; j'en suis si fachée, with the court he paid. To accommodate the sense to the English reader, "makes the court" in the extracts, was altered, to "makes love ;" "faschit," to "troublit ;" but from those alterations, to demonstrate the forgery of the original, with which the translation was expressly "collated and made to accord," will require new arguments, and new intellects to comprehend their force.*

<sup>8</sup> That quhilke I send hym for.] She intimates that she would come to Edinburgh on Wednesday to let blood, without assigning the cause to Bothwell, to whom her complaint was known. She informs him, however, ironically, that she enters never where her husband is, but the pain recurs ; and she expects to be amended if Paris brings what she sends him for ; probably some medicine to relieve the pain in her side, which her long letter and late watching the preceding night, were sufficient to produce. All this, however natural, and sufficient to appropriate the letters to Mary, might have occurred, it is said, to the forgers, who must have known her habitual complaints. Tytler, i. 263. Whitaker, ii. 248. But the only preceding intimation of her complaint, is in Le Croc's letter, to whom she complained at the baptism, "Que son côté lui faisoit grand mal ;" (Goodall's MSS.) the next is after the conferences in England, when the letters were produced. Haynes, 510. In a subsequent letter to Norfolk, "I have taken some medicine this day, and have a little access of an ague, through the pain of my side, wherefore I will pray you to excuse me that I write not at more length." Murdin, 158. The coincidence between this, and her letter to Bothwell, is

pray you advertise me of your newes at length<sup>9</sup>, and quhat I sall do, in case ye be not returnit quhen I am come thare, for in case ye work not wislie I see that the hale burdyng of this will fall upon my shoulders. Provide for all thing, and dicours upon it first with your selfe<sup>10</sup>. I send this by Betoun, quha gais to ane day of law of the lard of Balfouris. I will say na further, sauffyng that I pray you to send me gude newes of your voyage<sup>11</sup>. From Glascow this Saterday in the mornynge.

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something more than fortuitous; as that which was natural and unavoidable to Mary when the pain was actually present, was the last circumstance likely to occur to the forgers, at the distance of many months, when her complaints were forgotten. But the fortuitous coincidence of the supposed forgery, both in the disease and in the medicine, with a genuine letter of a subsequent date, would be surprising indeed.

<sup>9</sup> *Of your newes at length.*] De vos nouvelles au long; let me hear from you at length.

<sup>10</sup> *Provide for all things, and discours upon it first with yourselfe.*] Pourvoyez à tout et d'abord *discourez vous même* sur cela; in the extracts of the Scottish commissioners, "discourse upon it first *yourself*." *Discourir* signified formerly not only to discourse, but to peruse, examine, search, survey; *un discours*, a survey, examination, pondering of things in the mind; (Cotgrave.) and the French idiom, "discourse upon (examine, consider) it first *yourself*," was altered at Westminster, to discourse upon it first *with yourself*, as less unintelligible in English.

<sup>11</sup> *Sauffyng that I pray you to send me gude newes of your voyage.*] *Sauf que*, je vous prie de m'envoyer de bonnes nouvelles de votre voyage; let me hear the success of your voyage, in the French acceptation of voyage for journey.

## LETTER III.

*An other letter to Bothwell of her love to him.*

*J'ay veillé plus tard la haut que ie n'eusse fait, si ce n'eust esté pour tirer ce que ce porteur vous dira, que ie treuve la plus belle commodité pour excuser vostre affaire qui ce pourroit presenter, &c.*

I have wakit laiter thairup then I wald have done, if it had nat bene to draw sum thyng out of hym, quhilke this bearer will shew you, quhilke is the sayrest commoditie that can be offerit to excuse your affairs. I have promisit to bring him to him the morne. Put order unto it if ye finde it gude<sup>1</sup>. Now, syr, I have broken my promise because ye commaundit me nouthur to write nor send unto you : yit I haif not done this to offend you. And if ye knew the feire that I haif presently<sup>2</sup>, ye wald not haif sa many contrairie suspiciounis in your thought<sup>3</sup>, quhilke notwithstanding I treate and

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<sup>1</sup> Put order to it if ye find it gude.] *Mettez y ordre si vous trouvez bon.* To put order to a thing is indisputably French. In Mary's letter to Elizabeth, Aug. 23, "*Mettre tel ordre que je puisse,*" 1568. Cal. C. 1. and in Bothwell's message by Paris, to the queen at Glasgow, "*Monsieur Jaque Balfour et moi n'avons dormis toute la nuict, nous avons mis ordre en toute, et avons appreste le logis.*" Paris's Second Confession.

<sup>2</sup> The feire that I haif presently.] *La peur que j'ay à présent.*

<sup>3</sup> So many contrarie suspiciounis in your thoughts.] *Tant de soupçons contraires en pensée.*

cherish as procedyng fro the thing in the world that I maist desier<sup>4</sup>, and sekis fastest to haif, quhilk is your gude grace<sup>5</sup>. Of the quhilk my behaviour shall assure me: as to me I shall nevir dispayr of it. And prayis you according to your promeis to discharge your heart unto me<sup>6</sup>: otherwayis I will think that my malheur

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<sup>4</sup> *The thing in the world that I maist desier.*] *La chose du monde* que je désire le plus, et que je cherche le *plus surement* à avoir; and the same phrase is twice repeated in a etter to Elizabeth, Aug. 26, 1568. “Je vous jure devant Dieu, que je ne sçai *chose du monde* de leur venue.” “Je vous assure que votre amitie qu’il vous plait m’offrir, sera reçene avant *toutes les choses du monde.*” Calig. C. 1.

<sup>5</sup> *Quhilk is your gude grace.*] *Votre bonne grace.* To obtain, stand well, or to be in one’s good *graces*, is the English, to *desire* one’s good *grace*, is the French idiom; to be found in the same letter to Elizabeth; “Ma bonne sœur n’entrez en jalousie pour faulx rapports de celle qui ne *désire que votre bonne grace.*” Ibid. In an early letter to her mother, Mary offers, “très humbles recommandations à *votre bonne grace.*” (Adv. Lib.) And Bothwell desires Paris on his return to Glasgow, “me recommandez à sa *bonne grace.*” In the same strain of gallantry, Mary desires only his *good grace*, his affection or love; la chose du monde qu’elle désire le plus.

<sup>6</sup> And prayis you—to discharge your heart unto me.] Je vous prie de me décharger votre cœur; a French idiom that occurs repeatedly in Mary’s letters. “J’ay beaucoup de choses de quoi je me *déchargerois* volontiers *le cœur* à vous de bouche, à notre avantage commune;” to Elizabeth, Aug. 13, 1568. Calig. C. 1. “Il faut que j’employe si peu de vie et de force qui me reste, pour devant ma mort, vous décharger plainement *mon cœur* de mes justes et lamentables

and the gude handlyng of hir<sup>7</sup> that hes not the thirde pairt of the faythfull nor willing obedience unto you that I beir<sup>8</sup>, hes wonne aganis my will that avauntage over me, quhilke the second love of Jason wan. Not that I will compare you to ane sa unhappy as he was, nor yit my selfe to ane sa unpitiful a woman<sup>9</sup> as sche. Howbeit, ye caus me to be sumquhat like unto hyr in any thing that touchis you, or that may preserve and keip you unto hir, to quhome onely ye appertaine<sup>10</sup>: if it be sa that I may appropriate that quhilk is wonne through faythfull yea onely luffing of you, as I do and sall do all the days of my lyfe, for payne or evill that can cume thair of. In recompense of the quhilk, and of all the evils quhilk ye have ben cause of to me, remember you upon the place heir beside<sup>11</sup>. I crave with that ye

plaintes." Tytler, ii. 418. To discharge the conscience is an English phrase, but to discharge the heart to another, is altogether French.

<sup>7</sup> *The gude handling of hir.*] Altered from the *gude composing* (bon maintien) in the extracts of the Scotch commissioners. *Infra*.

<sup>8</sup> *That hes not the thirde pairt of the faythfull nor willing obedience unto you that I beir.*] Qui n'a point la troisième partie de l'obéissance fidelle, ni de la volonté que je vous porte. To bear obedience to one is a French idiom.

<sup>9</sup> *To ane sa unpitiful a woman.*] A une femme si impitoyable.

<sup>10</sup> *To quhom onely ye appertaine.*] A laquelle seule vous appartenez.

<sup>11</sup> In recompense of the quhilk, and of all the evils quhilk ye have ben cause of to me, remember you upon the place heir beside.] *En récompense de cela et des tous les maux donc vous m'avez été cause, souvenez-vous de la place ici près :*



keepe promise to me the morne<sup>12</sup>, but that we may meit together<sup>13</sup>, and that ye geve na fayth to suspicious without the certaintie of thaim. And I crave na other thyng at God, but that ye may know that thyng that is in my hart, quhilke is yours<sup>14</sup>, and that he may preserve you from all evill, at the least sa lang as I have life, quhilk I repute not precious unto me, except in sa farre as it and I baith, are agreeabill unto you. I am going to bed, and will bid you gude night. Advvertise me tymely in the mornyng how ye have faren, for I will be in payne unto I get word. Make gude watch<sup>15</sup> if the burd eschaip out of the caige or without

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translated literally, *heir beside*; and she reminds Bothwell again, *souvenez-vous*, a frequent expression, of the plan announced in the beginning of her letter, to bring Lord Robert in the morning to the king's chamber.

<sup>12</sup> I crave with *that ye keepe promise to me the morne.*] Je demande *avec* (cela) que vous me *teniez promesse* demain; as in her letter to Elizabeth, "Souvenez-vous que j'ay *tenue promesse.*" Anderson, iv. 49.

<sup>13</sup> But that *we may meit together.*] Literally from, *si ce n'étoit que nous nous trouverions ensemble.* "But *that*" renders the whole sentence, "I crave also that you keep your promise to-morrow, *if it were only that* we should meet together," unintelligible in English.

<sup>14</sup> And I *craif na uther thyng* at God, but that *ye may know that thyng that is in my hart*, quhilke is yours.] Je ne demande autre chose à Dieu, que vous ne sachiez la chose qui est dans mon cœur, qui est le votre.

<sup>15</sup> *Make gude watch.*] Instead of our vernacular idiom, to *keep a good watch.* Lord Robert's intimation had made her afraid of her husband's escape, of which she advertises Bothwell, *faites bonne garde*, si l'oiseau s'échappe de la cage.



hir mate, as the turtur I shall remayne alone for to lament the absence how schort that soever it be<sup>16</sup>. This

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<sup>16</sup> *Or without hir mate, as the turtur I shall remayne alone for to lament the absence how short that soever it be.*] Ou sans compagne, comme la tourterelle, je demeurerai seule pour lamenter l'absence, toute courte qu'elle soit. This poetical conceit, which her husband's escape from the cage suggested to Mary, in despite of the sense, is immediately derived from a sonnet of Ronsard's, where we find the very words employed in the letter to Bothwell.

Que dis-tu, que fais-tu, pensive tourterelle,

Dessus cet arbre sec?—T. Viateur, je lamente.

Pourquoy lamente-tu?—T. Pour ma compagne absente,

Dont je meurs de douleur. Ronsard's Amours, ii. 62.

Ronsard's sonnet, of which the original may be found in Johannes Secundus (*Sic gemit arenti viduatus ab arbore turtur*), was imitated in a Scottish poem, entitled a Song in Absence, which has been erroneously ascribed to James I. but which belongs to a period even later than the present.

Evin as men may the *turtil* trew persaif,

Once having lost *hir feir*,

On the *dry brainche* ay faithful to the graif,

Bewayling perseveir:

So my desyre,

Kindlit in fyre,

Dois soir *lament*

*My luif absent*.

O, God, gif amour be ane paine to beir!

Pinkerton's Anc. Scot. Poems, ii. 215. Sibbald's Chron. i. 56.

This, however, is also derived from an intermediate imitation of Ronsard, in Lodge's Rosalynde, 1592.

A turtle sat upon a *leaveless tree*,

Mourning *her absent phere*

With sad and sorry cheere;

letter will do with a gude hart<sup>17</sup>, that thyng quhilk I can not do my selfe<sup>18</sup>, if it be not that I have feare that ye are in sleeping<sup>19</sup>. I durst not write this befoire Joseph, Bastian and Joachim, that did but depart evin quhen I began to write<sup>20</sup>.

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And whilst her plumes she rents,

And for *her love laments*, &c.

Spenser has a sonnet on the same subject; but how superior to these conceits is Shakspeare's natural and pathetic application of the simile to Paulina, in the Winter's Tale.

I, an old turtle,

Will wing me to some *withered bough*, and there

My mate, that's never to be found again,

Lament till I am lost.

Act V. Sc. vii. See Malone's note.

And nothing can authenticate the Queen's letters more strongly than the explanation of those passages which are unintelligible in themselves, till we discover their secret allusion to the thoughts and words of her favourite poet.

<sup>17</sup> *With a gude hart.*] Un bon cœur; willingly, of which the Latin translator perceived, and has preserved the sense of the original idiom. *Hæc epistola libenter faciet.*

<sup>18</sup> *That thyng quhilk I can not do myself.*] Ce que je ne saurois faire moi-même; instigate lord Robert to commit the murder.

<sup>19</sup> *If it be not that I have fear that ye are in sleeping.*] Si ce n'est que j'aye peur que vous ne soyez endormi, in its figurative sense; d'un homme endormi; slow or negligent.

<sup>20</sup> *That did but depart even quhen I began to write.*] Qui venoient de partir que je commençai à écrire.

## LETTER IV.

*(In the original French.)*

French lre,

Anent the dopesche of Margrett Carwode, q<sup>lk</sup> wes  
befoir her mariage.

Prufs hir affection.

Copy,  
State Pa-  
per Office,  
book mark-  
ed "Scot-  
land Lres  
to Q. E.  
1571 to  
1603." No.  
26, p. 521.

Mon Cueur helas fault il que la follie dune famme  
dout vous conoisses asses lingratitude vers moy soit  
cause de vous donner displesir veu que je neusse sceu  
y remedier sans le scavoir<sup>1</sup> et despuis que men suis  
apersue je ne vous lay peu dire pour scavoir comment  
je me gouvernerois car en cela ni autre chose je ne  
veux entreprendre de rien fayre sans en scavoir votre  
volontay<sup>2</sup> laquelle je vous supplie me fayre entendre

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<sup>1</sup> Supposed to allude to Margaret Carwood's proving with child to Sebastian; at that time a crime the most offensive to the reformers. The queen's apothecary, and one of her maids of honour, had been executed for child-murder in December 1563. A *shame-hasted* marriage had been patched up for another of her *Marys*, or maids of honour; and Knox and Buchanan inveigh loudly against the dissolute licentiousness of her court. Knox, 345. Buchanan, 330. These writers durst not have contradicted the public opinion, had Mary's court been as chaste and correct as Elizabeth's, of which no such report was ever uttered among the papists themselves; if we except Mary's malignant letter to Elizabeth on Lady Shrewsbury's supposed information con-

*An other Letter to Bothwell concernyng the departure of  
Margarate Carwood, quho was privie and a helper of  
all thair love.*

[From Buchanan's Detection.]

*Mon cœur hélas! fault il que la follie d'une femme,  
dont vous cognoissiez assez l'ingratitude vers moy, soit  
cause de vous donner desplaisir, &c.*

MY hart, alas, must the follie of a woman, quhose  
unthankfulnes toward me you do sufficiently know,  
be occasioun of displeasure unto you? consideryng  
that I could nat have remedyt thairunto without know-  
ing it.<sup>1</sup> And since that I perceavit it, I could nat tell  
it you, for that I knew nat how to governe my selfe  
thairin. For nouthier in that, nor in any uther thyng,  
will I take upon me to do any thyng without know-  
ledge of your will.<sup>2</sup> Quhilk I besech you let me un-

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cerning her pretended amours (Murdin, 553), and Whitaker's comment upon the virginity of the maiden queen, ii. 502—11—15.

<sup>2</sup> In these next sentences, *Je ne vous lay peu dire pour  
sçavoir comment je me gouvernerois*, is erroneously rendered,  
“I could not tell it you, *for that I knew not* how to govern  
myself therein;” to which the French translator adheres;  
“*Je ne le vous pouvoie dire, pour ce que je ne sçavoie pas  
comme m'y gouverner.*” The subject of the letter is the dis-  
covery that Margaret Carwood was with child, *la follie  
d'une femme*, which the queen, since she perceived it, had  
not been able to mention, not because she knew not, but,  
*pour sçavoir*, for (in order) to know how to govern herself

car je la suivray toute ma vie plus volontiers que vous ne me la declareres et si vous ne me mandes ce soir ce que volles que ien faise je m-en-deferay au hazard de la fayre entreprendre ce qui pourroit nuire a ce a quoy nous tandons tous deux<sup>3</sup> et quant elle sera mariee je vous suplie donnez men une ou ien prandray telles de quoy vous contanteres quant a leur conditions mays de leur langue ou fidelité vers vous ie ne vous en respondray Je vous suplie que ne opinion sur aultrui ne nuise en votre endroit a ma constance. <sup>4</sup> Soupsonnes moi mays quant ie vous en veulx rendre hors de doubte et

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therein; *Car en cela ni autre chose je ne veux entreprendre de rien faire sans en sçavoir votre volente*; and the misconception of the sense in the two translations, is alone sufficient to ascertain the French original. But the French idiom is obvious throughout. *Veueque, depuisque*; “considering that,” “since that;” *y remedier sans le sçavoir*, “remedied therunto without knowing it;” *car en cela ni autre chose, entreprendre de rien faire*, “for nether in that nor in any other thing,” “take upon me to do any thing;” *sans en sçavoir votre volente*, “without knowledge of your will:” *laquelle, &c.*

<sup>3</sup> The translation of this sentence exhibits another misconception of the sense. “*Et si vous ne me mandes ce soir ce que volles que ien faise*,” “what you will that I shall do,” *je m-en-deferay au hazard de la faire entreprendre*, “I will rid myself of it,” not, as erroneously translated, “And hazard to cause it to be enterprised and taken in hand,” but, at the hazard of making her undertake that, *au hazard de LA faire entre prendre ce, que pourroit nuire a ce*, “which might be hurtful to that,” *a quoy nous tandons tous deux*, “whereunto both we do tend;” in which the idiom of the

derstand, for I will follow it all my lyfe, mair willingly then you shall declare it to me. And if you do nat send me word this night what you will that I shall do, I will ridde myself of it, and hasard to cause it to be enterprisit and taken in hand. Quhilk might be hurtfull to that quhairunto both we do tend.<sup>3</sup> And when she shall be maried, I besech you give me one, or els I will take sic as shall content you for their conditions, but as for thair tongues or faithfulness toward you, I will nat aunswere. I besech you that an opinioun of uther persoun, be nat hurtfull in your minde to my constancie.<sup>4</sup> Mistrust me, but quhen I will put you out of doubt, and clere my selfe. Refuse it nat,

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French original is indisputable. In the next sentence she passes of course, and without abruptness, to the marriage which her confidante might be forced to hasten, if dismissed from her service. But the French translator adheres to the mistakes of the Scotch, "*Je m'en depescheray, et me hazarderay de l'entreprendre: Ce que pourroit nuire a ce que nous deseignons tous deux:*" in which, as in other passages, the literal nature of the Scotch translation suggests sometimes the idiom, and sometimes the precise words of the French original.

<sup>3</sup> *Je vous supplie donnez m'en une*, "I beseech you give me one." *Je vous supplie q'une opinion que aultrui*, "I beseech you that an opinion of other person;" *ne nuise en votre endroit a ma constance*, "be not hurtful in your mind (on your part) to my constancy;" and the intermediate idioms *contenteres, quant a leur conditions*, &c. are equally preserved. But in those instances, the sense and idiom are misunderstood and lost in the French translation.



mesclersir ne le refuses ma chere vie <sup>5</sup> et permettes que je vous face preuve par mon obeissance de ma fidelité et constance et subjection volontaire que je prands pour le plus agreable bien que ie scaurois rescevoir si vous le voullés accepter et nen faytes la ceremonie car vous ne me scauries davantage outrasger ou donner mortel ennuy <sup>6</sup>.

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<sup>5</sup> This passage has been probably misunderstood in the Scotch translation: *Soupçonnez moi; mais quant ie vous en veulx rendre hors de doubte et m'esclersir, ne le refuses ma chere vie, is rendered verbatim, "Mistrust me, (if you will); but when I will, (would) put you out of doubte and cleere myselfe, refuse it not my deere lyfe."* From the erroneous punctuation, however, of the Scotch copy, the French version has, "*Vous meffiez vous de moy, qui vous veulx mettre hors de doute, &c.? O ma chere vie ne le reffusez pas,*" &c.

<sup>6</sup> In this last sentence, *Et permettes que je vous face preuve par mon obeissance* DE *ma fidelite, et constance, et*

my dere life,<sup>5</sup> and suffer me to make you some profe by my obedience, my faithfulness, constancie, and voluntarie subjection, quhilke I take for the pleasantest gude that I might receive, if you will accept it, and make no ceremony at it, for you could do me na greater outrage, nor give mair mortall greefe.<sup>6</sup>

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*subjection volontaire*, is misunderstood in the translation; “And suffer me to make you some proof by my obedience, (of) my faithfulness, constancy, and voluntary subjection;” which is again lost in the French version: “Et ne souffrez que je vous donne espreuve *de* mon obeissance fidelite, constance et volontaire subjection.” But the idioms of the original are preserved in the translation: *Faire preuve, n’en faytes la ceremonie*, “to make you some proof,” “make no ceremony at it:” *Que je prends pour la plus agreable bien*, “which I take for the pleasantest good,” &c. And the easy idiomatic style of sentimental extravagance, with which the letter concludes, is peculiar to the French language, and without example in any Scotch or English composition of the age.

*The same Letter translated from the Scotch.*

[From the French Translation of Buchanan's Detection, printed at Rochelle.]

Mon cœur, hélas! fault-il que la folie d'une femme, dont vous cognoissez assez l'ingratitude vers moy, soit cause de vous donner déplaisir, veu que ie n'y *pouvoye mettre remede*, sans le *donner a cognoistre*?<sup>1</sup> Et depuis que ie m'en suis apperceue, ie ne le vous *pouvoie* dire, pour ce que ie ne *sçavoie pas comme m'y gouverner*; d'autant qu'en cecy, ny en autre chose, ie ne veux *point* entreprendre de rien faire, sans que ie *cognoisse quelle est vostre volonté*,<sup>2</sup> que ie vous supplie me faire entendre; car ie *l'executeray* tout ma vie, voire plus volontiers que ne me le *voudriez* declarer. Que si vous ne me mandez des nouvelles ceste nuit de ce que voulez que ie face, ie m'en *depescheray*, et me *hazarderay* de l'entreprendre: ce que pourroit nuire a ce que nous *desseignons* tous deux.<sup>3</sup> Et quand elle sera mariée, ie vous *prie* de m'en donner une autre: ou bien j'en prendray *quelqu'une*, dont *i'estime* que la *façon* vous contentera. Mais *quant a leur langue et fidelité envers vous*, ie n'en *voudroye pas* respondre. Je vous supplie, que *l'opinion d'une autre n'esloigne* vostre affection de ma constance.<sup>4</sup> Vous *meffiez* vous de moy, qui vous veux *mettre hors de doute*, et *declarer mon innocence*? O ma chere vie<sup>5</sup> ne le refusez pas, et ne souffrez que ie vous *donne espreuve de mon obeissance, fidelité, constance, et volontaire subjection*: que ie prend a *tres grand plaisir*, autant que ie le *puis avoir*, si vous l'*acceptez sans ceremonie*. Car vous ne me *sçauriez faire plus grand outrage, ny offence plus mortelle*.<sup>6</sup>

## LETTER V.

*An other letter sent from Stereline to Bothwell  
concernyng the practise for hir ravishment.*

*Monsieur helas, pourquoy est vostre fiance mise en  
persone si indigne, pour soupçonner ce que est entiere-  
ment vostre. J'enrage, vous m'aviez promis. &c.*

ALAS, my lord, why is your trust put in a person so unworthy, to mistrust that which is wholly yours? I am woodde. You had promisit me that you would resolve all,<sup>1</sup> and that you would send me word every day<sup>2</sup> quhat I should doe, you have done nothing thair-of.<sup>3</sup> I advertisit you well<sup>4</sup> to take heede of your false brother in law: he came to me, and without shewing me any thing from you, told me that you had willit him

<sup>1</sup> *That you would resolve all.*] A French idiom, que vous resoudriez tout; not to resolve all difficulties when there were none to resolve, (Whitaker, ii. 326) but to determine the whole plan for the seizure of her person.

<sup>2</sup> *Every day.*] Tous les jours, at all times, upon every occasion, of which the literal translation, *every day*, perplexes Whitaker, as she arrived on Monday, and leaving Stirling on Wednesday, had little more than two nights and a day to hear from Bothwell every day.

<sup>3</sup> *You have done nothing thair-of.*] Vous n'en avez rien fait.

<sup>4</sup> *I advertisit you well.*] Je vous ai bien averti.

to write to you that that I should say,<sup>5</sup> and quhaire and quhan<sup>6</sup> you should cum to me, and that that you should do touchand hym, and thereuppon hath preachit unto me that it was a foolishe enterprise,<sup>7</sup> and that with mine honour I could never marry you, seing that being maryed you did carry me away,<sup>8</sup> and that his folkes would not suffer it, and that the lordis would unsay themselfis,<sup>9</sup> and would deny that thay had sayd. To be short, he is all contrary.<sup>10</sup> I told hym, that

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<sup>5</sup> That that *I should say*.] *Ce que je dirois*. The uniform repetition of *that that*, from *ce que*, “*that that* I should say,” “*that that* you should do,” is alone sufficient to demonstrate a servile translation from the French.

<sup>6</sup> *Quhaire and quhan*.] *Où et quand* ; the French, instead of the Scotch arrangement, *when and where* ; as in the sixth letter “of the place and of the time,” *du lieu et de l’heure*, in the initial sentence.

<sup>7</sup> *And thereuppon hath preachit unto me that it was a foolishe enterprise*.] Et sur cela *ma prêchée* que c’étoit une *folle entreprise* ; and in Paris’s First Confession, *tu veulx prescher* ; supposed by Whitaker to possess a peculiar spirit and pertness in the translation, ii. 331. as if there were no such phrase in French.

<sup>8</sup> *And that with mine honour I could never marry you, seing that being maryed you did carry me away*.] Et qu’avec mon honneur je ne pouvois jamais vous epouser (of which the French arrangement, “that with mine honour,” is preserved in the translation) *veu que étant marié vous m’avez enlevé*.

<sup>9</sup> *Would unsay themselfis*.] *Se dédiroient*, a reflected verb preserved in the translation.

<sup>10</sup> *To be short, he is all contrary*.] *Bref, il est tout con-*

seing I was cum sa farre, if you did not withdraw your selfe of your selfe,<sup>11</sup> that no perswasion nor deith it selfe should make me fayle of my promise. As touching the place you are to negligent (pardon me) to remit yourselfe thereof unto me.<sup>12</sup> Chuse it your selfe, and send me worde of it. And in the meane tyme I am sicke, I will differre, as touching the matter it is to late.<sup>13</sup> It was not long of me<sup>14</sup> that you have not thought thereupon in time. And if you had not mair chaungit your mynde since myne absence than I have,<sup>15</sup> you should not be now to aske such resolving.

*traire*, as in a letter to Elizabeth; “Combien que les effects ici serient *touts contraires*,” July 26, 1568. Calig. C. 1.

<sup>11</sup> *If you did not withdraw your selfe of yourselfe.*] Si vous ne vous retiriez pas de vous même, in the translation of which it is impossible not to recognise the French original.

<sup>12</sup> *To negligent (pardon me) to remit yourselfe thereof unto me.*] Quant à la place, vous êtes trop negligent, pardonnez moi, de vous en rapporter à moi; to remit yourself thereof, in which the reflective verb is again preserved.

<sup>13</sup> *I will differre, as touching the matter it is to late.*] The French verb, *je differerai*, quant à la matiere c'est trop tard; and the same word is employed by Mary in another letter; Monsieur après avoir longtems *differé* pour le respect des dangers imminent des entrepreneurs, &c. Jebb, ii. 291.

<sup>14</sup> *It was not long of me.*] An English idiom employed as equivalent to *il ne tient pas à moi*. In Mary's other letters, “pour plus surement nouer ce nœud *si à vous ne tient*.” Anderson, iv. 42. “Souvenez-vous que vous m'auries pour jamais votre, *si à vous ne tient*.” 13 Aug. 1568. Caligula, C. 1.

<sup>15</sup> *And if you had not mair chaungit your mynde since*



Well there wanteth nothing of my part,<sup>16</sup> and seing that your negligence doth put us baith in the daunger of a false brother, if it succede not well, I wyll never ryse agayne. I send this bearer unto you for I dare not trust your brother with these letters nor with the diligence. He shall tell you in quhat stait I am, and judge you quhat amendment these new ceremonies have brought unto me. I would I wer deid, for I see all goeth ill.<sup>17</sup> You promisit other manner of matter of your forseying,<sup>18</sup> but absense hath power over you, quho have twa stringis to your bow.<sup>19</sup> Dispatch the

An other  
wife.

*myne absence, than I have.*] Et si vous n'aviez pas *plus changé d'avis* depuis mon absence *que moi*.

<sup>16</sup> *Well there wanteth nothing of my part.*] He bien, il ne s'enfaut rien *de ma part*, as in the initial sentence of the next letter. Whitaker quotes the word "*well*" in the translation, as a colloquial expression to which there is no correspondent term in other languages (ii. 341), forgetting *he bien*, the very word employed in Paris's first declaration, to which he appeals.

<sup>17</sup> *All goeth ill.*] Tout va mal.

<sup>18</sup> *You promisit other manner of matter of your forseying.*] A literal translation of, vous promettez *autre manière de matière* de votre prevoyance, can never be mistaken for a Scotch expression.

<sup>19</sup> *Quho have twa stringis to your bow.*] Herself and his wife. Such an arch application of the proverb to Bothwell, could occur only to one, to whom the proverb itself was familiar; and to appropriate the letter indisputably to Mary, we discover an equally strange, and ingenious application of the same proverb to herself, in a letter to Elizabeth. "Afin de vous faire paroître, que, contente de votre promesse, *je n'ay*

answere, that I fayle not, and put no trust in your brother for this enterprise, for he hath told it, and is also all against it. God geve you gude nicht.<sup>20</sup>

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*qu'une corde à mon arc ;*" that content with Elizabeth's promise of support and friendship, she made no application to foreign powers. Sept. 25, 1563. Calig. C. 1.

<sup>20</sup> *God gev you'gude nicht.*] An old French phrase, *Dieu vous doint bonne nuit*; instead of *send*, the Scotch expression.

## LETTER VI.

*An uther letter to Bothwell for the practise and  
devise to excuse the ravishyng.*

*Du lieu et de l'heure*<sup>1</sup> ie m'en rapporte à vostre frere  
et à vous ie le suivray et ne fauldray en rien de ma part.  
*Il trouve beaucoup de difficultes, &c.*

OF the place and the time, I remitte my selfe to  
your brother and to you. I will follow him, and will  
fayle in na thing of my pairt. He findeth many diffi-  
culties: I thinke he doth advertise you thereof:<sup>2</sup> and  
quhat he desireth for the handling of him selfe.<sup>3</sup> As  
for the handling of my selfe, I heard it once well de-  
visit.<sup>4</sup> Me thinketh that your services, and the long

<sup>1</sup> *Du lieu et de l'heure.*] In the French edition, *de l'homme*. To Whitaker this appears a direct proof that the French editor read and printed the word wrong from another copy, instead of adopting the initial sentence from the English edition; as if the same typographical error, of *de l'homme* for *l'heure*, might not have happened in printing from the written copy which the French editor sent to the press. Whitaker, ii. 376.

<sup>2</sup> *I think he doth advertise you thereof.*] Je pense qu'il vous en avertit.

<sup>3</sup> *Handling of him selfe.*] An English idiom inserted as in the third letter, instead of some French phrase unintelligible in the translation.

<sup>4</sup> *I heard it once well devisit.*] *Bien devisé*, as in the son-

amitie,<sup>5</sup> having the gude wyll of the Lordes, do well deserve a pardon, if above the dutie of a subject you advaunce yourself, not to constrain me, but to assure your selfe of such place nigh unto me,<sup>6</sup> that other admonitions or forraine persuasions may not let me from consenting to that that you hope<sup>7</sup> your service shall make you one day to attayne: and to be schort, to make your selfe sure of the lordes, and free to marry: and that you are constraynit for your surety, and to be abill to serve me<sup>8</sup> faithfully, to use an humble request, joynit to an importune action.<sup>9</sup> And to be short, excuse your selfe, and persuade them the most you can,<sup>10</sup> that you are constraynit to make poursute<sup>11</sup> aganis your enemies. You shall say enough, if the matter or ground do like you, and many fayre

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nets. *Deviser avec vous à loisir*; translated, as in the letters, “to devise with you at leysure.”

<sup>5</sup> *Methinketh that your services, and the long amitie.*] Il me semble que vos services, et la *longue amitié*.

<sup>6</sup> *If above the duties of a subject, &c.—to assure yourself of such place nigh unto me.*] Si au dessus le devoir d'un sujet, vous vous avancez; non pas pour me contraindre, mais pour vous assurer de *telle place près de moi*.

<sup>7</sup> *May not let me from consenting to that that you hope.*] Ne m'empêchent de consentir à ce que vous esperez.

<sup>8</sup> *Constraynit for your surety, and to be abill to serve me.*] Contraint à votre sureté, et à être habile à me servir.

<sup>9</sup> *An humble request joynit to an importune action.*] Une humble requête jointe à une action importunee.

<sup>10</sup> *The most you can.*] Le plus que vous pourrez.

<sup>11</sup> *To make poursute.*] Faire poursuite.

wordes to Ledinton.<sup>12</sup> If you like not the deede,  
send me worde, and leave not the blame of all unto  
me.

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<sup>12</sup> Many fayre wordes to Ledington.] *Beaucoup de belles  
paroles à Ledington,*

## LETTER VII.

*An uther letter to Bothwell of the practise for hir ravishment and to advise hym to be strang to do it.*

*Monsieur depuis ma lettre escrit vostre beau frere qui fust, est venu à moy fort triste, et m'a demandé mon conseil de ce qu'il feroit apres demain. &c.*

MY Lord, since my letter written, your brother in law that was, cam to me very sad, and hath askeit me my counsaile, quhat he should do after to morrow, because ther be many folkis here, and among utheris, the erle of Southerland, quho wald rather dye,<sup>1</sup> considering the gude they haif so lately receivit of me, than suffer me to be caryit away, they conducting me: and that he fearit there should sum trouble happen of it:<sup>2</sup> of the other side, that it should he sayd that he

<sup>1</sup> *Quho wald rather dye.*] Till we proceed to the context, this implies that the Earl of Sutherland would rather die. But the sense is explicit when the French is restored, “parce qu’il y a plusieurs gens ici, et entre autres le compte de Souderland, qui, vu le bien qu’ils ont n’agueres reçu de moi, mourrioent plutôt que de souffrir qu’on m’en enlevât, me conduisoient;” a sentence of which the structure is altogether French.

<sup>2</sup> *Sum trouble happin of it.*] *Qu’en arrivât quelque trouble*, translated “some trouble happen of it.”

<sup>3</sup> *Of the other side.*] *De l’autre côté*, literally rendered of, instead of *on*, the other side.



wer unthankfull to haif betrayit me. I told him that he shold haif resolvid with you upon all that: and that he should avoyde, if he could, those that were most mistrustit.<sup>4</sup> He hath resolved to write thereof to you by my opinioun; for he hath abashit me to see him sa unresolvit at the neid.<sup>5</sup> I assure my selfe,<sup>6</sup> he will play the pairt of an honest man. But I have thought good to advertise you of the feare he hath<sup>7</sup> that he should be chargeit and accusit of treson, to the ende, that<sup>8</sup> without mistrusting him, you may be the more circumspect, and that you may haif the more power. For we had yisterday more then iii. c. horse of his, and of Leuiston.<sup>9</sup> For the honor of God<sup>10</sup> be accompanyit rather wyth more then lesse: for that is

<sup>4</sup> *That wer most mistrustit.] Les plus mefiés.*

<sup>5</sup> *For he hath abashit me to see him sa unresolvit at the neid.] Car il m'a abattue à le voir si irrésolu au besoin.*

<sup>6</sup> *I assure my selfe.] Je m'assure,* the reflected verb, I assure myself, instead of the Scotch idiom, "I am sure, or certain."

<sup>7</sup> *I have thought good to advertise you of the feare he hath.] Je trouvai bon de vous avertir de la peur qu'il a.*

<sup>8</sup> *To the ende that.] Afin que.*

<sup>9</sup> *We had yesterday more than iii. c. horse of his and of Leuiston.]* Instead of, "iii. c. hors of his and of Levingston's yesterday," car nous avons hier plus de iii. c. chevaux, of which the very arrangement is French; and even the iii. c. *trois cent* remains an indisputable mark of the French original.

<sup>10</sup> *For the honor of God.]* A French idiom, *pour l'honneur de Dieu*, as in Pieresk's letter to Camden, "*pour l'honneur de Dieu, songez à la votre.*" Camd. Epist. 309.

the principal of my caire.<sup>11</sup> I goe to write my dispatch,<sup>12</sup> and pray God to send us a happy interview schortly. I write in hast to the ende you may be adviſit in time.

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<sup>11</sup> *Rather wyth more than lesse : for that is the principal of my caire.*] Plutôt de plus que de moins, *car c'est le principal de mon souci*, in which the idiom is obvious ; *le principal de l'affair c'est.*

<sup>12</sup> *I goe to write my dispatch.*] *Je m'en vais ecrire mon dépêche* ; her ostensible or public dispatches, different from her secret letter to Bothwell.

## LETTER VIII.

*An other letter to Bothwell, concernyng certaine tokens that she sent hym.*

*Monsieur si l'ennuy de vostre absence, celuy de vostre oubly, la crainte du danger, tant prouvé d'un chacun à vostre tant aymée personne. &c.*

MY Lord, if the displeasure of your absence, of your forgetfulness, the feir of danger so promisit by every one to your so lovit person, may gif me consolation, I lief it to you to judge, seyng the unhap that my cruell lot<sup>1</sup> and continuall misadventure, hes hitherto promisit me followyng the misfortunes<sup>2</sup> and feares as weill of lait as of a lang tyme bypast, the quhilke you do know.<sup>3</sup> But for all that, I will in no wyse accuse you, nouthur of your little remembrance, nouthur of your little cair, and least of all of your promise broken, or of the coldness of your wrytyng,<sup>4</sup>

<sup>1</sup> *My cruel lot.*] *Mon sort cruel*, improperly rendered, *lot*, instead of *fate*.

<sup>2</sup> *Followyng the misfortunes.*] An erroneous translation of *suivant les malheurs*, according to the misfortunes and fears which promised her cruel lot and continual misadventure has hitherto promised her; not, as Whitaker supposes, in addition to them.

<sup>3</sup> *The quhilke you do know.*] *Lesquels vous savez*.

<sup>4</sup> *Nouthur of your little remembrance, nouthur of your little cair, and least of all of your promise broken, or of*

since I am ellis so far maid yours, that that quhilk pleasis you is acceptable to me, and my thoghtes are so willyngly subduyt unto yours,<sup>5</sup> that I suppois that all that commeth of you, procedis nat by any of the causis foresayd, but rather for sic as be just and reasonable, and sic as I desire myselfe.<sup>6</sup> Qubilk is the finall order<sup>7</sup> that you promisit to take, for the suretie, and honorabill service of the onely uphold of my lyfe. For quhilk alone I will preserve the same, and without the quhilk, I desire nat bot suddain daith.<sup>8</sup> And to

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*the coldness of your wrytyng.*] *Ni de votre peu de memoire, ni de votre peu de soin, et moins de tout de votre promesse rompue ou de la froideur de votre écrit;* in which the idiomatic elegance of the French original is obvious and indisputable. And in a letter to Elizabeth, 24 Sept. 1568, Mary writes, “Assures vous qu’il ni aura respect de parents ni d’amis que me fasse rompre ma promesse.” Cotton Lib. Caligula, C. 1.

<sup>5</sup> *My thoughtes are so willyngly subduyt unto yours.*] *Mes pensées vous sont si volontiers assujetties;* as in the sonnets.

Mon ame assubjectie

Est tout à lui et n’a autre vouloir.

Translated, “My soul *all* subduyt to him, and hes nane uther will.”

<sup>6</sup> *But rather for sic as be just and reasonable, and sic as I desire my selfe.*] *Mais plutôt pour telles qui sont justes et raisonnables, et telles que je desire moi-même.*

<sup>7</sup> *Quhilk is the finall order.*] *L’ordre final.*

<sup>8</sup> *Of the onely uphold of my lyfe. For the quhilk alone, &c. and without the quhilk, I desire nat bot suddain daith.*] *Du seul soutien de ma vie, pour lequel seul je veux garder la*

testifie unto you quhow lawlie I submit me under your commaundementes,<sup>9</sup> I have send you in signe of homage by Paris the ornament of the hed,<sup>10</sup> quhilk is the chief guide of the other members. Inferring thairby, that by the saising of you in the possessioun of the spoile of that quhilk is principall the remnant can not be bot subject unto you, and with consentyng of the hart.<sup>11</sup> In place quhairof, since I have ellis left it unto you,<sup>12</sup> I send unto you one sepulture of hard

même, et *sans lequel je ne desire que mort soudaine*. In these sentences, and throughout the whole letter, the French idioms cannot possibly be mistaken.

<sup>9</sup> I submit me *under your commaundementes*.] Je me sou-mets à vos commandements.

<sup>10</sup> *In signe of homage—this ornament of the hed*.] En signe d'hommage l'ornement du chef. Not one of her *Scotch mobs*, or *head dresses*, as Whitaker asserts, but the *lock of hair* mentioned afterwards as inclosed in the ring; and in the next sentence, Mary, playing upon the word *chef*, pursues the allusion to a *fief en chef*.

<sup>11</sup> *And with consentyng of the hart*.] Qu'en vous saisant de la possession des dépouilles de ce qui est principal, le reste ne peut vous être qu'assujetti, et *de consentement du cœur*. The "ornament of the head in sign of homage;" "the seising in the possession of the spoil of that which is principal," are absurd, and hardly intelligible in Scotch. But the same terms, *en signe d'hommage*, (Cotgrave.) *saisant de la possession des dépouilles*, (*la dépouille d'arbre, de jardin, de vignes*, and of course *la dépouille de chef, qui est principal*) are technical, or strictly appropriate to the allusion in French.

<sup>12</sup> *In place quhairof*, since that *I have ellis left it unto you*.] Au lieu duquel (her heart) *depuis que je vous l'ai déjà*

stone, collourit with blake, sawin with teares and bones.<sup>13</sup> The stone I compare to my hart,<sup>14</sup> that as it

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*laissé*; a favourite conceit which Bothwell, adopting the same strain of sentimental gallantry, had already employed in his message by Paris to the queen at Glasgow; “Dites à la Royne que je lui envoie ce diamant que tu lui porteras, et que, *si j’avois mon cœur*, je le lui enverrois très-volontiers, mais je ne l’ay pas moi.” Paris’s Second Confession. Appendix, No. XXVI.

<sup>13</sup> *I send unto you one sepulture of hard stone collourit with blake, sawin with teares and bones.*] Je vous envoie une *sepulture* de pierre dure *semée de larmes* et d’os; in which the French word *sepulture*, and the French idiom, *semée d’argent, de pierreries, de larmes*—

—Et *semé* bien épais de niege sur la tête—

Couverte d’un linceul de rose tout *semé*; Ronsard.

are literally translated, “a sepulture *sawen*, (instead of *strewed*) with tears and bones.”

<sup>14</sup> *The stone I compare to my hart.*] A favourite comparison of Mary’s, which occurs in a letter already quoted, “Je vous envoyes mon *cœur* en *bague*, et je vous ay apporté le vray et corps ensemble, pour plus surement nouer ce nœud;” and in Sir Thomas Chaloner’s translation of her French verses to Elizabeth, sent with a ring on her departure from France:

Sed potius *cordi* similis mea forma, quod ipsum

Cor Dominæ, excepta duritie, exhibeat——

O utinam ambarum bene possem *adamantina* vincla

(Ore favete omnes) *corilibus* injicere.

De Rep. Anglor. Instaurand. p. 353.



The quenis  
hear.

is carvit in one sure sepulture or harbor<sup>15</sup> of your commandements and above all of your name and memorie,<sup>16</sup> that are thairin inclosit as is my hear in this ryng never to come forth, quhile death graunt unto you to ane trophee of victorie of my bones<sup>17</sup> as the ring is fullit, in signe that you have maid ane full conquest of me, of myne hart, and unto that my bones be left unto you<sup>18</sup> in remembrance of your victorie and my acceptable luif and willyng, for to be better bestowit then I merite.<sup>19</sup> The amelyng that is about is

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<sup>15</sup> *One sure sepulture.*] Une sepulture sure.

<sup>16</sup> *And above all of your name and memorie.*] Et surtout de votre nom et de votre memoire.

<sup>17</sup> *Never to come forth, quhile death graunt unto you to ane trophee of victorie of my bones.*] *Jamais sortir jusqu'à ce que la mort vous donne, à un trophée de victoire de mes os,* as in Ronsard.

Pourquoy faites tu contres *mes os* la guerre.

Voirra ma liberté *trophée* d'un bel œil.

<sup>18</sup> *In sign that you have made ane full conquest of me, of myne hart, and unto that my bones be left unto you.*] *En signe que vous avez fait une pleine conquête de moi, de mon cœur, et à cela que mes os vous seroient laissés; as in a letter to Elizabeth, "Je me suis mis, moy, ma cause, et tout entre vos mains." Aug. 14, 1569. Calig. C. 1.*

<sup>19</sup> *In remembrance of your victorie, and my acceptable luif and willyng, for to be better bestowit then I merite.*] *En memoire de votre victoire, et de mon amour agréable et volonté, d'être mieux disposée que je ne mérite.* The whole sentence in its structure and derivation is evidently French; and the conceit, as far as it is intelligible, seems to be, that

blake,<sup>20</sup> quhilke signifies the stedfastnes of hir that sendeth the same. The teares are without number, so are the dreadoures to displeis you, the teares of your absence, the disdaine that<sup>21</sup> I cannot be in outward effects yours, as I am without feintnes of hart and sprite,<sup>22</sup> and of gude reason, though my merites wer mekle greater then of the maist profite that ever was, and sic as I desire to be,<sup>23</sup> and sall take payne in con-

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his commandment, his name and memory were inclosed in her heart, like her hair in the ring, never to come forth till her death gave him such another (a ring *fullit*, or *feuille*, covered with foil, and inlaid with her bones and hair) as a trophy of his conquest and of her affection. Such quaint and absurd conceits are plainly employed to adapt a mourning ring, containing her own and her first husband's, or perhaps her mother's hair, to the occasion of the marriage.

<sup>20</sup> *The amelyng that is about is blake.*] *L'émail qui est autour, est noir.*

<sup>21</sup> *The dreadoures to displeis you, the teares of your absence, the disdaine that.*] *La crainte de vous déplaire, les larmes de votre absense, le dédain que,* in its old French acceptance of moodiness, despite.

<sup>22</sup> *Without feintnes of hart and sprite.*] *Sans feinte de cœur et d'esprit*; as in the sonnets, "*Qu'il cognoistra sans fainte* ma constance." The heart and soul, not the spirit, are combined in English; *le cœur et l'esprit* in French; and the proper Scotch word is *feinzietness*, not *feintness*, from the French word *feinte*.

<sup>23</sup> *And of gude reason, though my merites wer mekle greater then of the maist profite that ever was, and sic as I desire to be.*] *De bonne raison, quoique mes mérites fussent plus grands que de la plus parfaite qui fut jamais, et telle que je desire être*; in which the ellipsis is altogether French.

ditions to imitate,<sup>24</sup> for to be bestowit worthylye under your regiment.<sup>25</sup> My onely wealth<sup>26</sup> resave thairfoir in as gude part the same as I have receaved your mariage with extreme joy, the quhilk shal not part forth of my bosom quhile that mariage of our bodies be maid in publik, as signe of all that I either hope or desiris of blis in this warld.<sup>27</sup> Yit my hart,<sup>28</sup> fearyng to displease you, as mikle in the reading hereof, as I delite me<sup>29</sup> in the writyng, I will make end, after that I have kissit your handes with as greit affectioun as I pray God (O the onely uphold of my lyfe) to gif you lang and blissit life, and to me your gude favour as the onlie gude that I desire and to the quhilk I pretend.<sup>30</sup>

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<sup>24</sup> *Take payne in conditions to imitate.*] To take pains is the English, to take pain the French idiom; and *conditions* for qualities, already noted in the fourth letter, occurs in a subsequent letter from Mary to Norfolk, when speaking of herself almost in the same strain as in her letter to Bothwell. "But for all their saying, I trust in God you shall be satisfied with my *conditions, and behaviour, and faithfull duty to you*, whenever it shall please God I be with you." Hardwicke State Papers, i. 191.

<sup>25</sup> *To be bestowit worthylye under your regiment.*] Pour être dignement disposée sous votre régime.

<sup>26</sup> *My only wealth.*] Mon seul bien.

<sup>27</sup> *All that I either hope or desiris of bliss in this warld.*] Instead of all the bliss that I hope or desire; "en signe de tout ce que j'espère ou désire de bonheur dans ce monde."

<sup>28</sup> *Yit my hart.*] Mais mon cœur! as in the fourth letter.

<sup>29</sup> *As I delite me.*] "Comme je me plais," a reflected verb preserved in the translation.

<sup>30</sup> *I will make end, &c.—as the onely gude that I desire, and to the quhilk I pretend.*] Je ferai fin après avoir baisé

I have shawin unto this bearer that quhilk I have learnt, to quhom I remit me, knawand the credite that you gaif hym as she doth that will be for evir unto you humble and obedient lawfull wife<sup>s</sup> that for evir

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les mains, avec autant d'affection que, je prie Dieu (O le *seul soutien* de ma vie) de vous *donner longue et heureuse vie*, et à moi votre bonne grace, comme le *seul bien* que je désire, et *auquel* je prétends. The same terms of endearment are to be found in the sonnets, written at the same time with this last letter.

O *mon seul bien*, et mon (ma) *seul esperance*.

Par vous, *mon cœur* ! et par votre alliance.

De vous je dis, *seul soutien de ma vie*.

And as the sonnets were confessedly written in French, no doubt can remain of the language to which those expressions belong. But the structure of the whole sentence is so strictly French, and so peculiar to Mary, that we discover the same phrase and inversion (and *to me* your gude favour) in a letter to Elizabeth, “ pour *prier Dieu* qu’il vous *doinct* en sainte *tres heureuse et longue vie*, et à moi patience, et la consolation que j’entend recevoir de vous.” May 17, 1568. Calig. C. 1. The same conclusions also, are so frequent in her correspondence, that of fourteen letters to Elizabeth, from her arrival in England till Sept. 1568, eleven conclude “ en *priant Dieu* qu’il vous *doint* en sante *longue et heureuse vie*,” and three with some equivalent prayer, generally “ *après avoir baisé les mains*.”

<sup>31</sup> *To whom* I remit me, &c.—*that will be for ever unto you humble, and obedient lawful wife.*] “ A qui je m’en rap-  
porte, sachant le crédit que vous lui donnez, comme elle

dedicates unto you hir hart, hir bodie, without any change as unto hym that I have maid possessour of hart,<sup>32</sup> of quhilk you may hold you assurit that unto the deith sall na wayes be eschangit for evill nor gude sall nevir make me goe from it.<sup>33</sup>

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*fait qui vous sera toujours femme humble obeyssante et loy-  
alle*; as in the sonnets.

Qu'à l'obeyir et servir *loyaument*.

De vous servir et *loyaument* aymer.

Translated "to serve him truly." But the structure and inversion of the sentence (*unto you humble and obedient lawful wife*) are peculiarly French; and the transition from the first to the third person was familiar to Mary, who writes to Elizabeth, "Ma bonne sœur gaynes moy; envoyes moy querir; n'entres en jalousie pour faulx rapportes de celle qui ne desire que votre bonne grace." Aug. 27, 1568. Calig. C. 1.

<sup>32</sup>—*That for evir dedicates unto you hir hart, &c.—as unto hym whom I have maid possesseur of hart.*] *Que pour jamais vous dedie son cœur, son corps, sans aucun changement, comme à lui que j'ai fait possesseur du cœur.* As in the sonnets; "Et sans changer me trouvera tout une;" and in a letter to Elizabeth, "puisque je désire vous dédier ma vie et cœur pour jamais." Sept. 1, 1568. ib.

<sup>33</sup> *Of quhilk, &c.—that unto the deith sall na wayes be eschangit, for evil nor gude, sall nevir make me go from it.*] Duquel vous pouvez vous tenir assuré, que *jusqu'à la mort sera nullement eschangé car mal ou bien ne m'en fera jamais partir.* Here the Scotch phrase varies with the old French, from *change* to *eschange*; and the different arrangement of

*Abstract of matters shewed to the Quene's Majestie's Commissioners by the Scottes, sent the 11th of October.* Vol. I. p. 225, note.

*A brief note of the chief and principall poincts of the Quene of Scottes lettres written to Bothaill, which may tend to her condempnation, for her consent and procurement of the murder of her husband, as farre forthe as we could by the reuding gather<sup>1</sup>.*

FIRST, the plaine and manifest wordes conteyned <sup>Haynes, 480.</sup> in the said lettres, declaringe the inordinat and filthie love betwene her and Bothaill.

Next, the like wordes plainely declaringe how she hated and abhorred her said husband.

Then for the declaration of the conspiracie, and her procurement and consent to the murder of her said

the two phrases, "It behoves us to do *good* and to shun *evil*," *il faut éviter le mal et faire le bien*, marks the original to which the French idiom, *evil nor gude* belongs. But, whoever compares the letters with a single State-paper, or other letter of the period, Scotch or English, inserted in our Appendix, will be satisfied that the former possess the genuine refined idioms of a French original; and through the medium of a homely translation, will easily discover an elegance to which our language was then a stranger.

<sup>1</sup> From a paper indorsed by Secretary Cecill.



husband, how she toke her journey from Edenburghe to Glasco, to visite him, beinge theare sicke, and purposely of intent to bringe him with her to Edenburghe.

She wrote to Bothaill from Glasco, how she flattered her said husband to obtaine her purpose; and that the earle of Lenox his father, that daye that she was devisinge to bringe his sonne to Edenburghe, did blede at the noose and mowthe, willing the said Bothaill to gheese what presage it was.

She wrote also, that she was about a worke that she hated greatly, and that she lied and dissembled to get creadite with her husband, and to bringe her faschious purpose to passe, confessing herselfe therein to do the office of a traiteresse, which, weare it not to obey Bothaill, she had lever be dead then do it, for her harte did blede at it.

Also she wrote that she had wonne her husband to goo with her to Edenburghe, and to do whatsoever she wolde have him to do, sayinge, alas! she never deceived anie before, remittinge herselfe altogether to the will and pleasure of Bothaill, wherein she wold obey him, whatsoever come thereof; requyring him to advise with himself, if he coulde fynde cwt anie other secreat invention by medicine, for her husband was to take medicine, and the bath also at Cragmiller.

She biddethe Bothaill to burn the lettre, for it was over dangerous to them, and nothings well said in it, for that she was thinkinge upon nothings but fascherie, requyring him that, sithens to obey him, her dear love, she spared neither honour, conscience, hazard, nor greatnes whatsoever, he woulde take it in good parte; and that he wold not see her, whose fained tears

shoulde not be so muche praised, as the faithfull travailles which she susteyned to merite her place, for the obteyninge whereof against her nature, she betraied him that might impeche it, prayinge God to forgeave her, and to geave unto Bothaill, her only love, the happe and prousperitie which she his humble and faithful love wishith unto him; hooping shortly to be another thinge unto him, for the rewarde of her yrkesome troubles.

Finally, she wrote to Bothaill, that accordinge to her commission, she wolde bringe the man with her; prayinge him to worke wisely, or els the whole burden wolde lye on her shoulders; and specially to make good watche, that the bird escaped not owt of the cage.

*Examinatur.*

*Notes drawn furth of the Quenis latters sent to the Erle Bothwell.* Vol. I. p. 225, note.

*From the Paper Office.*

Anderson,  
iv. 71.

IMPRIMIS, after lang discourse of hir conference with the king hir husband in Glascow, sche writis to the said erle in thir termes: “ This is my first jurnay, I sall end the same the morne: I wreite *in* all thingis, howbeit they be of littill weycht, to the end that ye may tak the best of all to judge upoun. I am in doing ane wark heir that I haitte gretlie: haif ye not desyr to lauche, to sie me lie sa weill, at the leist to dissemble so weill, and to tell hym *the* treuth betwix handis.”

*Item.* Schorlie after: “ We are coupled with twa fals racis: the devill syndere us, and God *not* knit us togidder for ever for the maist faithful cupple that ever he unitit. This is my faith, I will die in it.”

*Item.* Thairefter, “ I am not weill at ease, and zeit verray glaid to wreit unto quhen the rest are slepand, sen that I can not sleip as they do, and as I wald desyir, that is in your armis my deir lufe.”

*Item.* A littill thairefter: “ Adverteis me quhat ze haif deliberat to do in the matter ye know upoun this point, to the end we may understand utheris wele, that nathing thair throw be spilt.”

*Item.* Thus sche concludis the lettre: “ Wareit mocht this pokishe man be, that causes me haif sa meikil pane, for without hym I *wald* haif ane far mair plesant subject to discourse upoun. He is not oer meikle *spilt*, bot he has *gottin* verray mekill; he has

almaist slane me with his braith; it is war not your unclis, and zeit I cum na neirar bot *sat* in ane cheir at the bed-fute, and he beand at the uther end thair of."

*Item.* Thairefter, "Ye gar me dissemble sa far, that I haif horring thairat, and ze caus me almaist do the office of an trahatores. Remember *yow*, yf it wer not to obey yow, I had raither be deid or I did it, my heart blidis at it. Summa, He will not cum with me, except upoun condition that I shall be at bed and bourd with hym as of befoir, and that I sail leif him na *efter*."

*Item.* Schortlie thairefter: "Summa, he will gae upoun my word to all places. Alace, I never dissavit any bodie, bot I remit me altogidder to your will. Send me advertisment quhat I sall do, and, quhatsum-ever sall cum thair of, I sall obey you; advys to with yourself, yf ye can fynd out any mair secreit invention *be* medecein and the baith *in* Craigmillar."

*Item.* "Thairefter, I sall draw *out all thingis* out of hym, gif ye will that I advow all thingis unto hym; bot I wil never rejois to *dissave* any bodie that trustis in me; zet notwithstanding ye may command me in all thingis. Haif no evill opinioun of me for that cause, be reason ye ar the occasioun of it your self, because for my awn particular revenge I wold not do it to hym."

*Item.* After, "For certaintie he suspectis *that* thing ye know, and of his lyif; bot as to the last, how sone I speak twae or thrie guid wordis unto hym, he rejois and is out of doubt."

*Item.* Schortlie thairefter, "All the Hamiltounis are heir *with me*, and accompanies me very honorably."

*Item.* Thairefter, "Be not offendit, for I gif not our *mekill* credyt now, sence, to obey you, my deir luife, I

spare nouthar honor, conscience, nor gretnes quhatsumever, I pray you tak it in guid part, and not after the interpretation of your fals guid-brother, to quhom, I pray you, gif nai credyns agains the maist faythfull luifer that ever ye had, or ever sall haif. Sie not hir quhais fenzeit tearis suld not be sa mekill praysit, nor estemyt, as the trew and faythfull travaillis, quhilk I sustene to merit hir place, for obteyning of quhilk, aganis my naturall, I betray thame that may impesche me. God forgive me, and God gif yow, my onlie luif, the hape and prosperitie that your humble and faythfull luif desyris unto yow, quha hoipis schortlie to be ane uther thing unto yow."

*Item.* In the credit gifin to the berar, quhome we understand was Paries, "Remember yow of the purpose of the ladie Reires——of the ludgene in Edinburt."

*Item.* In ane uther lettre sent be Betoun: "As to me, howbeit I heir noe farther newes from yow, according to my commission, I bring the man with me to Craigmillar upon Munday, quhair he will be all Wednesday. And I will gang to Edinburt to draw bluid of me, gif in the mene tyme I get no newes in the contraire from yow."

*Item.* Verrah schortlie after: "Summa, ye will say he makis *the court* to me, of the quhilk I tak so gret pleseur, that I enter never quhair he is, bot incontinent I tak the seiknes of my syde, I ame soe faschit with it: yf Paries bring me that quhilk I send hym for, I treast it sall amend me. I pray yow adverteis me of your newes at length, and quhat I sall doe in cais ye be not returnit quhen I cum thair, for, in cais ye work not wyselie, I sie that the haill burthin of this will fall upon my schulderis. Provyde for all thingis, and discourse upon it first your self."

*Item.* In ane uther lettre : “ I pray yow, according to your promeis, to discharge your hart to me, uther-wayis I will think that my malheure, and the guid *composing* of *thame*, that he hes not the third part of the faythfull and willing obedience unto yow that I beyre, has wyne, aganis my will, that advantage over me quhilk the secund luif of Jason wan : not that I wolde compair yow to ane sa unhappie as he was, nor yit myselse to ane soe unpetifull a woman as sche; howbeit ye cause ma be sunquhat lyck unto hir in ony thing that twichis yow, or that may preserve and keip yow to hir, to quhome ye onlie appertein, yf *it may be suer* (swa) that I may appropriat that quhilk is wonne throuche faythfull, yea only luiffing yow, quhilk I do and sail do all the dayis of my lyif, for pane and evil that can cum thereof. In recompense of the quhilk, and of all the evill quhilks ye haif bien cause of to me, remember yow upon the place heir besyd, &c.”

*Account of the Casket.*

For the following accurate, and satisfactory Account of the Casket, I am indebted to Mr Alexander Young, W. S. to whom I transmitted the description given of it in Morton's receipt, and in the memorandum prefixed to the letters in Buchanan's Detection.

“ The silver box is carefully preserved in the Charter room at Hamilton Palace, and answers exactly the description you have given of it, both in size and general appearance. There is enclosed in it, an account of the way and manner in which it came into the hands



of the family of Hamilton ; written on a slip of parchment, which I have ordered to be transcribed.

“ I examined the outside very minutely. On the first glance I was led to state that it had none of those ornaments to which you allude, and in particular that it wanted the crowns with the Italic letter *F*. Instead of these I found, on one of the sides, the arms of the House of Hamilton, which seemed to have been engraved on a compartment which had previously contained some other ornament. On the top of the lock, which is of curious workmanship, there is a large embossed crown with *Fleurs de lis*, but without any letters. Upon the bottom however of the casket, there are two other small ornaments, one near each end, which, at first sight, I thought resembled our silversmith's marks ; but on closer inspection, I found they consisted each of a Royal crown above a *Fleur de lis*, surmounting the Italic letter *F*.”

*NARRATIVE contained in the Box, of the Way and Manner in which it came into the Hamilton Family :*

“ This Silver Box gilded and carved with the arms of  
 “ her grace Anne Dutches of Hamilton on it, was  
 “ the Box that carry'd letters, and tokens, by  
 “ Messengers to and againe between Queen Marij  
 “ of Scotland, and the Earl of Bothwell, which  
 “ my Lady Marquis of Douglas, mother to Wil-  
 “ liam Duke of Hamilton, bought from a papisst,  
 “ having then the Queens arms upon it, and putt  
 “ her own arms thereon, and afterwards having left  
 “ all her Exe r̃e to her son Lord James, Her  
 “ plate was all sold to a goldsmith, and the dut-

“ chess of Hamilton being told by my Lady Mar-  
 “ quis That the said Box did once belong to the  
 “ Queen Her Grace bought the same from the  
 “ goldsmith, and att the Dukes desire putt out  
 “ my Lady Marquis arms, and put her gr. own  
 “ arms on the Same.

“ This box had two keys whereof the Queen  
 “ kept one and the E: of Bothwell the  
 “ other But her grace only received one  
 “ of them and believes my Lady Marquis  
 “ had never the other.”

The Lady Marquis of Douglas mentioned in this account of the box, was Lady Mary Gordon, daughter of George Marquis of Huntly, and second wife of William, first Marquis of Douglas, who died in the beginning of the year 1660. Her eldest son, William Earl of Selkirk, married Anne Dutchess of Hamilton, and was created Duke of Hamilton, in October 1660. The casket would appear to have been purchased by the Marchioness of Douglas, some time after her husband's death, as it was included with the rest of her plate in the *executory* bequeathed to her third son, Lord James Douglas. The *notandum* concerning the two keys, and the box being employed, like a modern black box, in conveying letters more securely between the Queen and Bothwell, is apparently the traditionary account which the Marchioness received from the papist, along with the casket. The key seems to have been left with the box in Bothwell's *green velvet desk*, to which Sir James Balfour had access. Robertson's Hist. II. 506, evidently in Edinburgh castle; and it would enable Sir James, to give intimation of the contents to the confederate Lords.

The circumstance of the casket having been successively preserved in two different families, gave rise to the following erroneous reports in Goodall, who concludes, that, on the accusation and trial of Morton, the Earl of Angus possessed himself of the box and letters, as next heir of entail. "For I find an anonymous historian, who wrote about the restoration of King Charles II. affirming, that the box and letters were at that time to be seen with the Marquis of Douglas; and it is thought by some, that they are still in that family; though others say, they have since been seen at Hamilton." Goodall, p. 36. The traditionary circumstance of the two keys being so carefully recorded, is sufficient to assure us, that the letters would have been mentioned by the Duchess of Hamilton, had they been contained in the casket, at the time that it was first purchased by the Marchioness of Douglas.

I have now produced one of the Queen's letters to Bothwell, in the original French. I have discovered the identical casket that contained them. But I despair of tracing the letters any farther; and am satisfied, that they were destroyed on the execution of Gowrie, while the casket itself was secretly preserved in the hands of his enemies, as an article of value and curiosity, that had belonged to the Queen.

No. XXI. Vol. I. Page 274.

SONNETS.

ODE BY QUEEN MARY,

*On the Death of her Husband Francis II.*

EN mon triste & doux chant,  
D'un ton fort lamentable,  
Je jette un œil tranchant,  
De perte incomparable,  
Et en soupirs cuisans,  
Passe mes meilleurs ans.

From  
Brantome's  
Memoirs.

Fût-il un tel malheur,  
De dure destinée,  
Ni si triste douleur,  
De Dame Fortunée,  
Qui mon cœur & mon œil  
Voit en biere & cercueil.

Qui en mon doux printemps,  
Et fleur de ma jeunesse  
Toutes les peines sens,  
D'une extrême tristesse,  
Et en rien n'ay plaisir  
Qu'en regret & désir.

Ce qui m'estoit plaisant,  
Ores m'est peine dure,  
Le jour le plus luisant,  
M'est nuit noire & obscure,  
Et n'est-rien si exquis,  
Qui de moi soit requis.

J'ay au cœur & à l'œil,  
Un pourtrait & image,  
Qui figure mon dueil,  
Et mon pasle visage,  
De violettes teint,  
Qui est l'amoureux teint.

Pour mon mal estranger,  
Je ne m'arreste en place,  
Mais j'en ay beau changer,  
Si ma douleur j'efface,  
Car mon pis & mon mieux  
Sont les plus deserts lieux.

Si en quelque séjour,  
Soit en bois ou en prée,  
Soit sur l'aube du jour,  
Ou soit sur la vesprée,  
Sans cesse mon cœur sent,  
Le regret d'un absent.

Si par foi vers les Cieux  
Viens à dresser ma vue,  
Le doux trait de ses yeux,  
Je voy en une nue,  
Soudain le vois en l'eau,  
Comme dans un tombeau.

Si je suis en repos,  
Sommeillant sur ma couche,  
L'oy qu'il me tient propos,  
Je le sens qui me touche :  
En labeur en recoi,  
Tousjours est près de moy.

Je ne vois autre objet,  
Pour beau qui si présente,  
A qui que soit sujet,  
Oncques mon cœur consente,  
Exempt de perfection  
A cette affection.

Mets, chanson, ici fin,  
A si triste complainte,  
Dont serra le refrain,  
Amour vraye & non feinte,  
Pour la séparation,  
N'aura diminution.



*Carmina Reginæ Scotiæ.*

Cotton Lib. Calig. D. I. fol. 316.

Il pensier che mi nuoce insieme e giova,  
 Amaro et dolce al mio cor cangia spesso,  
 E fra tema e speranza lo tien 'si oppresso  
 Che la quiette pace unque non trouva.

Pero se questa carta a voi renuova  
 Il bel desio di vedervi in me impresso  
 Cio fa il grand affanno ch' me se stesso  
 Ha non puotendo homai da se far prova.

Ho veduto talhor vicino al porto  
 Respinger nave in mer contrario vento ;  
 E nel maggior seren' turbarsi il cielo :  
 Con Sorella cara, temo e pavento,  
 Non gia per voi, ma quanta volte a torto  
 Rompe fortuna un ben ordito vello.<sup>1</sup>

<sup>1</sup> This sonnet must have been written when Mary solicited admission to Elizabeth's presence, upon her arrival in England; as the same comparison is employed in a letter to Elizabeth, Sept. 24th, 1568. " Je vous ay asses souvent prie de *recevoir mon navire agilé*, en votre *port* durant la *tourmante*. Si a ce coup, elle y trouvera *port de salut*, je y jeteray mes ancres pour jamais; autrement la barque est en la garde de Dieu. Elle est preste, et *calfeutrée* pour se de-

*Carmina Italica et Gallica Scripta per Reginam Scotiæ  
ad Angliæ Reginam.*

Ung seul penser qui me profficte et nuit,  
Amer et doulx, change en mon cœur sans cesse,  
Entre le doubte, et l'esperoir il m' oppresse  
Tant que la paix et le repos me fuit.

Donc chere sœur, si ceste carte suit  
L'affection de vous veoir qui m'oppresse,  
C'est que je viz en peïn et en tristesse,  
Si promptement l'effect ne s'ensuit.

J'ay veu la nef relacher par contraincte  
En hault mer, proche d'entrer au port,  
Et le serain se convertir en trouble :  
Ainsi je suis en soucy et en crainte,  
Non pas de vous, mais quantes fois a tort  
Fortune rompt violle et cordage double.<sup>1</sup>

fendre en course, contre toutes les tourmantes. J'ay plene-  
ment procedé aveques vous encores fois-je ; ne prenes a  
mauvais part, si j'ecris ainsi, ce n'est *pour deffiance que j'ay*  
*de vous*, comme il apert, car je me repose du tout." Cotton  
Lib. Cal. C. 1. The comparison itself is from Ronsard.

En peu de temps le gracieux zephyre  
D'un vent heureux empoupant ton *navir*  
Te sit surgir dans le *port amoureux*.

Mais quand ma *nef* de *s'aborder* est près  
Toujours plus loin quelque horrible tempeste  
La singlé en mer, tant je suis malheureux.

Le Recueil des Sonnets IV.

## SONNET

*In the Hand-writing of Mary, Queen of Scots—without date. Extracted from a bundle of papers relating to the Queen of Scots, during her confinement in England.*

QUE suis ie hélas ! et de quoy sert ma vie ?

Je ne suis fors qun corps prive de cuer.

Un ombre vayn, un object de malheur,

Qui naplus rien que de mourir envie,

Plus ne portez, O enemis, d'anvie

A qui naplus lesprit a la grandeur !

Ja consomme d'exsessive doulleur ;

Vottre ire en brief ce voirra assouvie ;

Et vous amys, qui m'avez tenu chere,

Souvenez vous, que sans heur sans santay,

Je ne scaurois auqun bon œuvre fayre :

Souhatez donc fin de calamitay ;

Et que sa bas estant asses punie,

J'aye ma part en la joye infinie.

State  
Paper  
Office.

*Certaine French Sonnettes written by the Quene of Scottes to Bothwell, befoir hir mariage with him, and (as it is sayd) quhile hir husband lyvit, but certainly befoir his divorce from hys wife, as the wordes tham selves shew, befoir quhom she here preferreth hir selfe in deserving to be beloved of Bothwell.*

Buchanan's Detection.

I.

O DIEUX ! ayez de moy compassion,  
 Et m'enseignez quelle preuve certain  
 Je puis donner qui ne luy semble vain,  
 De mon amour et ferme affection.  
 Las ! n'est il pas ia en possession  
 Du corps, du cœur, qui ne refuse paine,  
 N'y deshonneur, en la vie incertaine,  
 Offense de parentz, ne pire affection ?  
 Pour luy tous mes amis j'estime moins que rien,  
 Et de mes ennemis je veux esperer bien.  
 J'ay hazardé pour luy & nom & conscience :  
 Je veux pour luy au monde renoncer :  
 Je veux mourir pour luy avancer.  
 Que reste il plus pour prouver ma constance ?

II.

Entre ses mains, et en son plein pouvoir,  
 Je metz mon filz, mon honneur, et ma vie,  
 Mon pais, mez sujetz, mon ame assubjectie,  
 Est tout à luy, et n'ay autre voulloir  
 Pour mon object, que sans le decevoir,  
 Suivre je veux, malgré toute l'enuie,  
 Qu' issir en peult ; car je n'ay autre envie,  
 Que de ma foy, luy faire appercevoir  
 Que pour tempeste ou bonnace qui face,  
 Jamais ne yeux changer demeure ou place :

*The same translated line for line into Scottish  
Prose.*

## I.

O GODDIS, have of me compassioun,  
And schew quhat certaine prose  
I may geif, which shall nat seem to him vaine  
Of my love and fervent affectioun.  
Helas ! is he nat alredy in possessioun  
Of my bodie, of hart, that refusis no payne,  
Nor dishonour in the life uncertaine,  
Offence of frendes, nor worse afflictioun,  
For him I esteme al my frends les then nathing,  
And I will have gude hope of my enemies.  
I have put in hasard for him both fame and conscience,  
I will for his sake renounce the world,  
I will die to set him forwart.  
Quhat remayneth to gief proöfe of my constancie ?

## II.

In his handis and in his full power,  
I put my sonné, my honour, and my lyif,  
My contry, my subjects, my soule al subdewit,  
To him, and has none uther will  
For my scope, quhilk without deceit,  
I will folow in spite of all enuie  
That may ensue : for I haif na uther desire,  
But to make him perceive my faithfulness,  
For storme or fayre wedder that may come,  
Never will it chainge dwelling or place.



Brief je feray de ma foy telle preuve,  
 Qu'il cognoistra sans fainte ma constance,  
 Non par mes pleurs, ou fainte obeysance,  
 Comme autres ont fait, mais par divers espreuve.

## III.

Elle pour son honneur vous doit obeysance,  
 Moy vous obeysant, i'en puis recevoir blasma,  
 N'estant, a mon regret, comme elle, vostre femme.  
 Et si n'aura pour tant en ce point préeminence :  
 Pour son profit elle use de constance,  
 Car ce n'est peu d'honneur d'estre de voz biens dame ;  
 Et moy, pour vous aymer, j'en puis recevoir blasma,  
 Et ne luy veux ceder en toute l'observance :  
 Elle de vostre mal n'a l'apprehension ;  
 Moy je n'ay nul repos tant je crains l'apparence :  
 Par l'advis des parentz elle eut vostre accointance  
 Moy malgré tous les miens vous porte affection  
 (Et mesiez pour tant, mon cœur ! de ma constance<sup>1</sup>)  
 Et de sa loyauté prenez ferme assurance.

## IV.

Par vous, mon cœur ! et par vostre alliance,  
 Elle à remis sa maison en honneur,  
 Elle à jouy par vous la grandeur,  
 Dont tous les siens n'ayent nul assurance.  
 De vous, mon bien ! elle a eu la constance (l'accointance)  
 Et a gagné pour un temps vostre cœur :  
 Par vous elle a eu plaisir en bon heur,  
 Et pour vous a receu honneur et reverence ;  
 Et n'a perdu sinon la jouyssance  
 D'un fascheux sot qu'elle aymoit cherement.

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<sup>1</sup> Supplied by Lord Hailes from the Scotch translation.  
 Remarks, 179.

Schortly I sall geif of my trueth sic profe,  
 That he sall know my constancie without fiction,  
 Not by my weping, or saynit obedience,  
 As other have done : but by uther experience.

## III.

Sche for hyr honour oweth you obedience :  
 I in obeying you may receive dishonour,  
 Nat being (to my displesure) your wife as sche.  
 And yit in this poynt she shall have na preheminnence.  
 Sche useth constancy for hyr awin profite :  
 For it is na litle honour to be maistres of your goodes,  
 And I for luifing of you may receive blame,  
 And will nat be overcumme by hyr in loyall observance,  
 Sche has no apprehension of your evyll,  
 I feare so all appearing evill that I can have na rest.  
 Sche had your acquaintance by consent of hyr freindes,  
 I against al thair wil have borne you affection.  
 And nat the lesse (my hart) you doubt of my constance,  
 And of hir faithfulness you haif firme assurance.

## IV.

By you (my hart) and by your aliance  
 Sche hath restored hyr house unto honour,  
 By you she is become to that greitnes,  
 Of quhilk hyr freindis had never assurance,  
 Of you (my wealth) sche got the acquaintance,  
 And hath conquest the same time your hart.  
 By you sche hath pleasure and good lucke,  
 And by you hath received honour and reverence,  
 And hath nat lost but the rejoygance  
 Of one unpleasant foole, quhilk she lovit deirly.

Je ne la playus d'aymer donc ardamment,  
 Celuy qui n'a en sens, n'y en vaillance,  
 En beauté, en bonté, n'y en constance  
 Point de seconde. Je vis en ceste foy.

## V.

Quant vous l'amiez, elle usoit de froideur ;  
 Sy vous souffriez pour s'amour passion,  
 Qui vient d'aymer de trop d'affection,  
 Son doig monstroït, la tristesse de cœur ;  
 N'ayant plaisir de vostre grand ardeur,  
 En ses habitz monstroït sans fiction,  
 Qu'elle n'avoit paour, qu'imperfection  
 Peust l'effacer hors de ce loyal cœur.  
 De vostre mort je ne vis la peur  
 Que meritoit tel mary et seigneur  
 Somme de vous elle a eu tous son bien  
 Et n'à prisé n'y jamais estimé  
 Un si grand heur si non puis qu'il n'est sien  
 Et maintenant dit l'avoir tant ayme.

## VI.

Et maintenant elle commence à voir,  
 Qu'elle estoit bien de mauvais jugement,  
 De n'estimer l'amour d'un tel amant ;  
 Et voudroit bien mon amy decevoir  
 Par les escriptz tout fardez de scavoir,  
 Qui pourtant n'est on son esprit croissant,  
 Ains emprunté de quelque autheur eluissant,  
 A fainct tresbien un enuoy sans l'avoir.  
 Et toutesfois ses parolles fardez,  
 Ses pleurs, ses plaincts remplis de fictions,  
 Et ses hautz cris et lamentations,  
 Ont tant gaigné qui par vous sont gardez  
 Ses lettres escriptes, ausquelz vous donnez foy  
 Et si l'aymez et croyez plus que moy.

Than I moane hyr nat to love ardently  
Him that hath none in wit, in manhead,  
In beauty, in bounty, in truth, nor in constancy,  
Ony second: I lief in the beleif.

## V.

Quhen you lovit hyr sche usit coldnesse,  
Gif you suffrith for hir luif passioun,  
That commith of to greit affectioun of luif,  
Hyr sadnes schew the tristesse of hyr hart,  
'Taking no pleasure of your vehement burning,  
In hyr clothing she schew unfaynitly,  
That sche had na feir, that imperfection  
Could deface hyr out of that true hart.  
I did not see in hyr the feir of your death,  
That was worthy of sic husband and lord,  
Schortly sche hath of you all hyr wealth.  
And hath never weyit nor estemit  
One so greit hap, but sins it was not hirs,  
And now she saith that she loveth him so well.

## VI.

And now sche beginneth to see,  
That sche was of veray evill jugement  
To esteeme the love of sic ane lover,  
And wald fayne deceive my love,  
By writinges and paintit learning,  
Quhilk nat the lesse did not breid in hir braine,  
But borrowit from sum feate authour,  
To fayne one sturt and haif none.  
And for all that hyr payntit wordis,  
Hyr teares, hyr plaintes full of dissimulation,  
And hyr hye cryes and lamentations  
Hath won that poynt, that you keip in store,  
Hir letters and writinges, to quhilk you geif trust,  
Ye, and lovest and belevist hyr more than me.

## VII.

Vous le croyez, las ! trop je l'appercoy  
 Et vous doutez de ma ferme constance,  
 O mon seul bien et mon seul esperance<sup>2</sup> !  
 Et ne vous puis assurer de ma foy :  
 Vous m'etimez legier qui le voy,  
 Et si n'avez en moy nul assurance,  
 Et soupconnez, mon cœur ! sans apparence  
 Vous deffiant a trop grand tort de moy.  
 Vous ignorez l'amour que je vous porte,  
 Vous soupconnez qu'autre amour me transporte ;  
 Vous estimez mes parolles du vent,  
 Vous depeignez de cire mon las cœur,  
 Vous me pensez femme sans jugement ;  
 Et tout cela augmente mon ardeur.

## VIII.

Mon amour croist, et plus en plus croistra,  
 Tant que je vivray, et tiendray à grand heur,  
 Tant seulement d'avoir part en ce cœur  
 Vers qui en fin mon amour paroistra  
 Sy tres à clair que jamais n'en doutra.  
 (Pour lui je veux lucter contre malheur<sup>3</sup>)  
 Pour lui je veux recercher la grandeur ;  
 Et feray tant qu'en vray cognoistra,  
 Qu je n'ay bien, heur, ne contentement,  
 Qu' à l'obeyr et servir loyaument.  
 Pour luy j'attends toute bonne fortune.  
 Pour luy je veux garder sante et vie.

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<sup>2</sup> Mon seul esperance.] A false concord, to be imputed perhaps to the transcriber or printer. A similar inaccuracy

## VII.

You beleve hir (helas) I perceive it to well,  
 And callist in doubt my firme constancie  
 (O mine onely wealth, and my onely hope)  
 And I can not assure you of my truth.  
 I see that you esteeme me light,  
 And be no way assurit of me,  
 And doost suspect (my hart) without any appearing cause,  
 Discrediting me wrangously.  
 You do nat know the love I beare to you.  
 You suspect that uther love transporteth me.  
 You thinke my wordes be but wind :  
 You paint my wery hart, as it were of waxe,  
 You imagine me an woman without judgement.  
 And all that encreaseth my burning.

## VIII.

My love increaseth, and more and more will increase,  
 So lang as I shall leif, and I shall hold for ane greit  
 To have onely pairt in that hart, [felicitie  
 To the quhilk at length my love sall appeare,  
 So clearely, that he sall never doubt.  
 For him I will strive against wan weard,  
 For him I will recerse greitnes,  
 And sall do so mikle that he shall know  
 That I haif no wealth, hap, nor contentation,  
 But to obay, and serve him truely.  
 For him I attend all gude fortune.  
 For him I will conserve health and life,

---

which Robertson (i. 375.) observed in Goodall, (*Je ferons*, ii. 301.) is not in the original.

<sup>2</sup> Supplied by Lord Hailes.



Pour luy tout vertu de suyure j'ay envie,  
Et sans changer me trouvera tout' une.

## IX.

Pour luy aussi je jette mainte larme,  
Premier quand il se fist de ce corps possesseur,  
Duquel alors il n'avoit pas le cœur.  
Puis me donna un autre dur alarme,  
Quand il versa de son sang mainte dragme,  
Dont de grief il me vint lesser douleur,  
Qui m'en pensa oster la vie, et frayer  
De perdre, las ! le seul rampar qui m'arme :  
Pour luy depuis j'ay mesprisé l'honneur,  
Ce qui nous peult seul pouvoir de bonheur :  
Pour luy j'ay hazardé grandeur et conscience :  
Pour luy tous mes parentz j'ay quité, et amis,  
Et tous autres respectz sont apart mis.  
Brief, de vous seul je cerche l'alliance.

## X.

De vous, je dis, seul soustien de ma vie,  
Tant seulement je cerche m'asseurer,  
Et si ose de moy tant presumer,  
De vous gaigner maugré toute l'envie :  
Car c'est le seul desir de vostre chere amie,  
De vous servir et loyaument aymer,  
Et tous malheurs moins que riens estimer,  
Et vostre volonté de la mien suivre :  
Vous cognoistrez avecques obeysance,  
De mon loyal devoir n'omettant lasciance  
A quoy i'estudiray pour tousiours vous complaire,  
Sans aymer rien que vous, soubz la subjection  
De qui je veux sans nulle fiction  
Vivre et mourir et a ce j'obtempere.

For him I desire to ensew courage,  
And he shall ever finde me unchangeable.

## IX.

For him also I powred out many tearis,  
First quhen he made himselfe possessor of thys body,  
Of the quhilk then he had not the hart.  
Efter he did geve me one uther hard charge,  
Quhen he bided of his blude great quantitie, [dolour,  
Through the great sorrow of the quhilk came to me that  
That almost caryit away my life, and the feire  
To lese the onely strength that armit me.  
For him since I haif despesit honour,  
The thing onely that bringeth felicitie.  
For him I haif hazardit greitnes and conscience,  
For him I haif forsaken all kin and frendes,  
And set aside all uther respectes,  
Schortly, I seke the aliance of you onely.

## X.

Of you I say onely upholder of my lyfe,  
I onely seke to be assuerit,  
Ye, and dare presume so much of my selfe,  
To win you in spite of all envy:  
For that is the onely desire of your deir love,  
To serve and love you truely,  
And to esteme all wan hap lesse than nathing,  
And to follow your wyll wyth myne,  
You shall knaw wyth obedience,  
Not forgetting the knowledge of my leal deuty,  
The quhilke I shall study to the fine that I may ever  
Lovyng nothyng but you, in the subjection [please you.  
Of quhome I wyll without any fictioun,  
Live and die, and this I consent.

## XI.

Mon cœur, mon sang, mon ame, et mon soucy,  
Las, vous m'avez promis qu'aurons ce plaisir  
De deviser avecques vous à loisir,  
Toute la nuict, ou je languis icy,  
Ayant le cœur d'extreme paour transy,  
Pour voir absent le but de mon desir :  
Crainte d'oublier un coup me vient à saisir :  
Et l'autre fois je crains que rendurcie  
Soit contre moy vostre amiable cœur,  
Par quelque dit d'un meschant rapporteur,  
Un autre fois je crains quelque aventure,  
Que par chemin detourne mon amant  
Par un fascheux et nouveau accident :  
Dieu detourne toute malheureux augure !

## XII.

Ne vous voyant selon qu'avez promis,  
J'ay mis la main au papier pour escrire,  
D'un different que je voulu transcrire :  
Je ne scay pas quel sera vostre aduis ;  
Mais je scay bien qui mieux aymer scaura,  
Vous diriez bien que plus y gaignera.

## XI.

My hart, my bloud, my soul, my care,  
Helas, you had promisit that I should have that pleasure.  
To devyse wyth you at leysure,  
All the night quhair I lye and languish here,  
My heart beyng overset wyth extreme feare  
Seing absent the butte of my desire.  
Feare of forgetting sometyme taketh me,  
And uther tymes I feare that lovesum hart,  
Be not hardenit agaynst me  
By sum saying of ane wickit reporter,  
Uther tymes I feare sum aventure,  
That by the way should turne abacke my love  
By sum troublous and new accident.  
O God turne abacke all unhappy augure.

## XII.

Not seing you as you had promisit,  
I put my hand to the paper to write,  
Of ane differens that I have willit cople.  
I can not tell what shal be your jugement,  
But I know well quho can best love,  
You may tell who shall winne maist.

No. XXIII. Vol. I. Page 372.

## CONTRACTS OF MARRIAGE.

### I.

#### *Short Contract in French, or Promise of Marriage by Mary to Bothwell.*

*Beside those writynges (the letters &c.) there was alswa extant a writyng written in Romane hand in French, to be avowit to be written by the sayd quene of Scottes herself, beyng a promise of mariage to the sayd Bothwell: quhilk writyng beyng without date, and though some wordes therein seme to the contrary, yet is upon credible groundes supposed to have been made and written by hir befoir the death of hir husband, the tenor quhairof thus begynneth.* Buchanan's Detection.

Cotton Lib.  
Calig. C. 1.

NOUS MARIE, par la grace de Dieu, Royne d'Escosse, douaryere de France, &c. promettons fidelement, et de bonne foy, et sans contrayante, a Jaques Hepburn Conte de Boduel, de n'avoir jamays autre espoux et Mary que luy, et de le prendre pour tel toute et quant fois qu'il m'en requerira, quoy que parents, amys ou autres, y soient contrayres: et puis que Dieu a pris mon feu mary Henry Stuart dit Darnlay, et que par ce moien je sois libre, n'estant sous obeissance de pere, ni de mere, des mayntenant je proteste que, lui estant en mesme liberte, je seray prest, et d'accomplir les ceremonies requises au mariage: que je lui promets devant Dieu, que j'en prantz a tesmoignasge, et la presente, signee de ma mayn: escrit ce.

## II.

*Contract at Selton, written by Huntley.*

There is also ane uther writyng in Scottish avowit to be quholly written by the erle of Huntley, datit the v of Aprill 1567, conteyning ane form of contract for mariage betwixt the sayd quene and Erle Bothwell, subscribit Marie, quhilk is to be avowit to be the proper hand of the sayd quene, and underneth it James Erle Bothwell, quhilk alsua is to be avowit to be the proper hand of the said Erle Bothwell, at quhilk tyme he was commonly defamit of the kingis slaughter, and nat cleansit or acquittit therof befor the xii of Aprill followng. The tenor of quhilk contract here ensueth.

At Seyton the v day of Aprill, the yere of God 1567, the richt excellent, richt high and mighty princesse Mary, by the grace of God, quene of Scottis, considering the place and estait quhairin Almighty God hes constitute hir highnes, And how by the decesse of the king hir husband, hir majestie is now destitute of ane husband, livyng solitary in the state of widohede. In the quhilke kinde of lyfe hyr majestie maist willingly wald continue, giff the weill of hir realme and subjectis wald permit it. But on the uther pairt, considering the inconveniencis may follow, and the necessitie quhilk the realme hes that hir majestie be couplit with ane husband, hir highnes hes inclynit to marry. And seyng quhat incommoditie may cum to this realme, incase hir majestie should joyne in mariage with any forein prince of a strange natioun, hir highnes hes thought rather better to yelde unto ane of hir awin subjectis. Amangis quhome hir majestie findis nane mair able nor indued wyth better qualities than the right



noble and hir deare cousing James Erle Bothwell, &c. Of quhais thankfull and trew service hir highnes in all tymes past hes had large pruiſ and infallible experience. And ſeing not onely the ſame gude mynde conſtantly perſeuering in him, but with that ane inward affectioun and harty luif towardes hir majeſtie, hir highnes amangis the reſt hes maid hir choiſe of hym. And thairfore in the preſence of the eternal God, faithfully, and in the word of ane prince, by theſe preſentis takes the ſayd James Erle Bothwell as hir lauchfull husband. And promettes and obliffis hir highnes, that how ſone the proceſſe of divorce intentit betwix the ſayd Erle Bothwell and Dame Jane Gordon, now hys pretentiſ ſpouſe, beis endit by the order of the lawis, hir majeſtie ſhal, God willing, thairefter ſchortly marry and take the ſayd erle to hir husband, and compleit the band of matrimony wyth hym in face of haly kirk. And ſhall never marry none uther husband but he onely during his life time. And as hir majeſtie of hir gracious humanitie and proper motive, without deſerving of the ſayd Erle, hes thus inclynit hir favor and affectioun towardes hym, he humbly and reverently acknowlegging the ſame according to his bounde dewtie, and being as free and able to make promiſe of mariage, in reſpect of the ſayd proceſſe of divorce intentit for diſverſe reaſonable cauſes, and that hys ſayd pretentiſ ſpouſe hes thairunto conſentit, he preſently takes hir majeſtie as his lauchfull ſpouſe in the preſence of God. And promittis and obliffis hym as he will anſwere to God, and upon his fidelitie and honor, that in all diligence poſſible, he ſhall proſecute and ſetforward the ſayd proceſſe of divorce already begon and intentit betwix hym and the ſayd Dame Jane Gordon hys pretentiſ ſpouſe, unto the finall end of ane decreit and declarator thairin. And incontinent

Item to the  
Duke of  
Norfolke,  
&c.

thairefter at her majesties gude wyll and pleasure, and quhen hir highnes thinkes convenient, shall compleit and solemnizat in face of haly kirk the sayd band of matrimony with hir majestie, and luif, honor, and serve hir highnes, according to the place and honor that it hes pleasit hir majestie to accept hym unto, and never to have any uther for hys wife during hir majestie's life time. In fayth and witnessing quhair of hir hyghnes and the said Erle hes subscribit this present faithfull prouise with thair handes as followis, day, yeare and place foirsaidis, befor these witnes, George erle of Huntlie, and Maister Thomas Hepburne parson of Auldhamstok, &c. &c. Sic Subscribitur.

MARIE R.

JAMES ERLE BOTHWELL.

Here note that this contract was made the v of Aprill, within viii weeks after the murder of the kyng, quhilke was slayne the x of the Februarie befor. Also it was made vii days befor that Bothwell was acquittit by corrupt judgement of the sayd murder.

Alswa it appereth by the wordes of the contract it selfe, that it was made befoire sentence of divorce betwene Bothwell and his former wife And alswa in very truth was made befor any sute of divorce intentit or begon betwene hym and his former wyfe, though some wordes in this contract seme to say utherwise. Quhilk is thus proved. For this contract is datit the v of Aprill, and it playnly appereth by the judicall actes befor the twa severall ecclesiasticall ordinarie judges, quhairin is contained the hale processe of the divorce betwene the sayd Erle and dame Jane Gourdon hys wyfe, that the one of the same processes was intentit and begon the xxvi day of Aprill, and the uther the xxvii.

*Buchanan's Detection.*

## III.

*Public Contract at Edinburgh on the Eve of the Marriage.*

Goodall, ii.  
57.

AT Edinburgh, the xliiii. day of Maii, the zeir of God MD. thrie scoir sevin zeris. It is appointit, agreit, contractit, and finalie accordit betwix the richt excellent, richt heich, and michtie princesse Marie, be the grace of God, queen of Scottis, dowarrier of France, on the ane part, and the richt noble and potent prince James duke of Orkney, erle Boithvile, lord Halis, Cheichtoun and Liddisdail, greit admirall of this realme of Scotland, on the uthir part, in manner, forme, and effect as efter followis; that is to say: Forasmekle as hir majestie, considering with himself how Almightie God hes not onlie placit and constitute hir heines to regne owir this realme, and during hir lyvetyme to governe the people and inhabitantis thair of, hir native subjectis; bot als that of hir royall persoun successioun mycht be producit, to enjoy and posses this kingdome and dominionis thair of, quhen God sall call hir hienes to his mercy out of this mortall lyff; and how graciously it hes plesit him alreddy to respect hir hienes, and this hir realme, in geving unto hir majestie hir maist deare and onlie sone the prince, baith hir heines self and hir hail subjectis ar detbund to rander unto God immortal prayse and thanks. And now hir majestie being destitute of an husband, levand solitary in the state of wedoheid, and zit zoung and of flourishing aige, apt and able to procreate and bring forth ma children, hes bene preissit and humbly requirit to zeild unto sum mariage. Quhilk petition hir grace weying, and takin in gude part, bot cheiflie regarding the pre-

servatioun and continewance of hir posteritie hes condescendit thairto. And mature deliberatioun being had towert the personaige of him with quhome hir Hienes suld joyne in mariage, the maist part of hir nobilitie, be way of advise, hes humbly prayit hir majestie, and thocht bettir that she suld sa far humble herself, as to accept ane of hir awin borne subjectis on that state and place, that wer accustomat with the maneris, lawis and consuetude of this countré, rather nor ony foreyne prince: and hir majestie preferrand thair advyse and prayers, with the weillfair of hir realme, to the avancement and promotioun quhilk hir hienes in particular mycht have be foreyne mariage, hes in that poynt likewise inclynit to the sute of hir said nobilitie. And thay namand the said noble prince, now duke of Orkney, for the special personaige, hir majestie well avyisit, hes allowit their motioun and nominatioun, and graciouslie accordit thairunto, having recent memorie of the notable and worthie actis, and gude service done and performit be him to hir majestie, alswell sen hir returning and arrivall in this realme, as of befoir in hir hienes's minoritie, and during the time of government of umquhile hir dearest moder of gude memorie, in the furthsetting of hir majestie's auctoritie aganis all impugnaris and ganestanderis thair of: quhais magnanimitie, courage, and constant trewth towert hir majestie in preservation of hir awin persoun from mony evident and greit dangeris, and in conducting of heich and profitable purposes, tending to hir hienes's avancement, establisshing of this countrie to hir perfite and universal obedience, hes sa far movit hir, and procurit hir favour and affectioun, that abuif the commoun and accustomat gude grace and benevolence quhilk princes usis to bestow on noble men, thair subjectis weill de-

serving, hir majestie will be content to ressave and tak to hir husband the said noble prince, for satisfacioun of the hartis of hir nobilitie and people. And to the effect that hir majestie may be the mair able to governe and rewill hir realme in time to cum during hir lyfetime, and that yssue and successioun, at Godis plesour, may be producit of hir maist noble persoun, quhilkis, being sa deir and tender to hir said dearest sone, eftir hir majestie's deceis, may befoir all utheris serve, ayd and comfort him. Quhairfore the said excellent and michtie princesse and quene, and the said noble and potent prince James duke of Orknay sall, God willing, solemnizat and compleit the band of matrimony, ather of thame with uther, in face of haly kirk with all guidlie diligence. And als hir majestie, in respect of the same matrimony, and of the successioun, at Goddis plesour to be procreat betwixt thame, and producit of hir body, sall in hir nixt parliament grant a ratificatioun, with avise of hir thrie estatis, (quhilk hir majestie sall obtene) of the infestment maid be hir to the said noble prince, than erle Boithvile, and his airis maill to be gottin of his body, quhilkis failzeing, to hir hienes and hir crown to return, of all and hail the erldome, landis, and ilis of Orknay and lordship of Zetland, with the holmis, skerreis, quylandis, outbrekis, castellis, touris, fortalices, manor-places, milnis, multuris, woddis, cunyngharis, fisheingis, alsweill in freshe watteris as salt, havynnys, portis, raidis, outseittis, partis, pendiclis, tenentis, tenendries, service of fré tenentis, advocatioun, donatioun, and richt of patronage of kirkis, benefices and chapellancies of the samyn, liand within the sheriffdom of Orknay and fowdry of Zetland, respective, with the toll and custumis within the saidis boundis, togidder with the of-



fices of sheriffship of Orknay and fowdry of Zetland, and office of justiciarie within all the boundis als weill of Orknay, as Zetland ; with all the privilegis, feis, liberteis and dewteis perteing and belanging thairto, and all thair pertinentis, erectit in ane haill and fré dukry, to be callit the dukry of Orknay for evir : and, gif neid be, sall mak him new infestment thairupon in competent and dew forme : quhilk hir majestie promittis *in verbo principis*. And in cais, as God forbid, thair beis na airis maill procreat betwix hir majeste and the said prince, he oblissis his utheris airis maill, to be gottin of his body, to renounce the halding of blanche ferme contenit in the said infestment, takand alwayes and ressavand new infestment of the saidis landis, eridome, lordship, ilis, toll, custumis, and offices above written, and all thair pertinentis erectit in ane dukry, as said is : quhilk name and titill it sall alwayes retene notwithstanding the alteratioun of the halding ; his saidis airis maill to be gottin of his body payand zerlie thairfoir to our said soverane Ladyis successoris, or thair comptrollaris in thair name, the soun of twa thousand poundis money of this realme, like as the samyn was sett in the tyme of the kingis grace hir gracious fader, of maist worthy memorie. Mairover, the said noble and potent prince and duke oblissis him, that he sall nawyse dispone nor put away ony of his landis, heritaigis, possessiounis and offices present, nor quhilkis he sall happin to obtene and conquest herefter during the mariage, fra the airis maill to be gottin betwix him and hir majestie ; bot thay to succed to the same, als weill as to the said dukry of Orknay. Furthermair, it is concluded and accordit be hir majestie, that all signatours, lettres and writtingis to be subscrivit be hir majestie in tyme to cum, efter the completing



and solemnizatioun of the said mariage, othir of giftis dispositionis, graces, privilegis, or utheris sic thingis quhatsumevir, sal be alsua subscrivit be the said noble prince and duke for his interesse, in signe and takin of his consent and assent thairto, as hir majestie's husband. Likeas it is alsua agreit and accordit be the said noble prince and duke, that na signatours, lettres, or writingis, other of giftis, dispositionis, graces, privilegis, or uther sic thingis concerning the affaires of the realme, sal be subscrivit be him onlie, and without hir majesteis avise and subscriptioun: and gif ony sic thing happin, the samyn to be of nane avale. And for observing, keping and fulfilling of the premissis, and every point and article thairof, the said noble and mychtie princesse, and the said noble prince and duke hes boundin and oblissit thame faithfullie to utheris; and ar content and consentis that this present contract be actit and registrat in the buikis of counsell and session, *ad perpetuam rei memoriam*: and for acting and registering heirof in the said buikis, hir majestie ordanis hir advocattis, and the said noble prince and duke hes maid and constitute maister David Borthwick, Alexander Skene his procuratoris conjunctlie and severalie, promittand *de rato*. In witness of the quhilk thing hir majestie and the said noble prince and duke hes subscrivit this present contract with thair handis, day, zeir and place foirsaidis, befor thir witnessis, ane maist reverend fader in God John archiebishop of Saintandrewis, commendator of Paisly, &c. George erll of Huntlie, lord Gordoun and Badzenach, chancellor of Scotland, &c. David erll of Crawford, lord Lindsay, &c. George erll of Rothes, lord Leslie; Alexander bishop of Galloway, commendatar of Inchaffray; Johnne bishop of Ross; Johnne lord Flem-

ing; Johnne lord Hereis, William Maitland of Lethington younger, secretar to our soverane lady; sir Johnne Bellenden of Auchnoule, knight, justice-clerk; and Mr. Robert Creychton of Eliok, advocate to hir hienes; with utheris divers.

MARIE R.

JAMES DUKE OF ORKNAY.

On the back, xiiii. Maii, 1567.

Comperit personalie the Quenis Majestie, and James Duke of Orknay, &c. and desyrit this contract to be registrat, &c. in presens of the Clerk of Register, &c. of quhais command I haif registrat the samin.

J. SCOTT.

## No. XXIV. Vol. II. Page 6.

*Depositions, Trial, and Confessions of Powrie, Dalgleish, Huz and Hepburn.*

## The Depositions of WILLIAM POWRIE.

*Apud Edinburgum, 23 Junii, An. Dom. 1567, in presentia Dominorum Secreti Concilii.*

From Anderson, ii.  
165.

WILLIAME POWRIE, borne in Kinfawnis, ser- uitor to the erle Bothwell, deponis, That ye sam day the king wes slane at night, the erle Boithwell, accompanyt with James Ormestoune of yat ilk, Hob Ormestoune his fader bruther, John Hepburne of Bolton, and Johne Hay zounger, zeid togidder to an counsele in the nether hall of ye said erle Bothwell's ludgeing in ye abbay, about four houris eftirnone, or yairby, and remanit yairin twa houris, or yairby; quhat yai did or said, he knawis not.

*Item.* Deponis, Yat John Hepburne of Bolton, at ten houres at evin, commandit the deponar and Pat Wilsoune to tak up ane carriage of twa mailis, the ane ane tronk, and ye vthir ane ane ledderin mail, quhilks were lyand in the said nethir hall, quhilks the deponar and the said Pat put on and chargit upon twa horsis of my Lordis, the ane being his sown horse, and carriit the same to the zet of the enteres of the Black Friers, and yare laid the same down, quhair the erle Bothwell, accompanit with Robert Ormestoun and Paris, called French Paris, and vtheris twa quhilks had cloakes about yare faces, met the saidis deponar and Pat Wilsoun. And yat zoung Tallo, the lard of Ormestoune, and John Hepburne of Boltoun, wes awaitand vpon

ye deponar and Pat Wilsoun, within the said zet; and yat yare the saidis thre persouns within the said zet, ressautit the saids twa charges, quhilks the deponar knew to be pulder, because the same wes in sundry polks within the said mail and tronk; and ye deponar and said Pat Wilsoun helpt yame in with the same; and the powder being taken from yame, the said Johnne Hepburne of Bolton sent this deponar for candell, and yat he coft six halpenny candell fra Georde Burnis wife in the Cowgate, and deliverit to the said Johnne: and yat ye saids persouns ressavaris of the powder, had ane towel with them, with ane littil licht candell; and the saids persouns within the said zet oppynit the tronk and mail, and tuck out the polks with the powder: and everie ane of yame tuck yane upon his back, or under his arm, and carryit the same away to the back wall of the zaird yat is next the trees, and yair the said laird of Ormestoune, Johnne Hepburne of Boltoun, and zoung Tallo, ressavit the pulder fra yame, and wald suffer the deponar and his marrow to pass na furdar. And quhen the deponar and his marrow came bak againe to the said Frier zet, the twa horss that carryed the said maill and tronk war away, and zit yay carryit the saids mail and tronk again to the abbay, and as yay came up the Black Frier Wind, the quenes grace was gangand before yame with licht torches: and yat the deponar and his marrow being cumin to the said erles ludging in the abbay, thai tarryit yare ane hour or mair, and yan the said erle came in, and immediatly tuk aff his claythes yat wer on, viz. a pair of blak velvet hoise, trussit with silver, and ane doublet of satin of the same maner, and put on ane vther pair of black hoise, and ane doublet of canwes, and tuk his side rideing cloak about him, and incontinent past furth, accompanyt

with French Paris, the deponar, Georde Dagleish and Pat Wilsoun, and came down the turnpike, and alang the back-wall of the quenes garden, quhill yai came to the back of the cunzie-house, and the back of the stabillis, while thay came to the Cannogate. And deponis, yat as yai came by the gait of the quenes south garden, the twa sentinellis yat stude at the zet yat gangis to the utter cloiss, speirit at yame, quha is yat? and yai answerit, friends. The centinel speirit, quhat friends? and yai answerit, my lord Bothwells friends.

*Item.* Deponis, Yat yai come up the Canongate, and to the neither bow, and findand the bow steikand, Pat Willson cryet to John Galloway, and desirit him to opin the port to friends of my lord Bothwell, quha came and oppynit the port, and yai enterit, and zeid up aboue Bassyntines house on the south-side of the way, and knockit at ane staire, and callit for the laird of Ormestone, and Robert Ormestone, and nane answerit yame, and yai yan slippit down ane cloiss beneith the Frier Wynd, and come to the zet at the Black Friers, and enterit in at yat zet, and zeid quhill yay come to the back-wall and dyke, quhaire the deponar and Pat Wilson left the utheris persouns before exprymit, with the powder as said is, and yaire the erle Bothweille past in over the Dyke, and bad the deponar, Pat Wilson, and Georde Dagleish tarry still yaire while he come backward to them. And furder deponis, yat yai tarriit yare half an houre, and hard never din of any thing, quhill at last my lord, accompanyt with zoung Tallo, and Johnne Hepburne of Boltoune, come to the deponar, and vtheris twa persons being with him, and evin as my lord and thir twa comes to the deponar and his marrowis at the dyke, thai hard the crack, and thai past away togidder out at the Frier Zet, and sinderit quhen yai came to the Cow-gait, pairt up the

Blackfrier Wynd, and pairt up the cloiss which is under the Endmyllis Well, and met not quhill yai came to the end of the Bow, and zeid down ane cloiss on the north side of the gait, to haif loppin the wall of Leith Wynd, and yair my lord thought it over heich, and came again aback to the port, and caused cry upon John Galloway, and said yai war friends of my lord Bothwilis. And John Galloway ruse and let them furth, and syne yai past down St. Mary's Wynd, and down the back zairds of the Canongait, and to the said erles ludging; and as yai past the queens guards before specifyt, sum sentinells speirit at yame quha yai war, and yai answerit, yai war friends of my L. Bothweill; and als speirit quhat crak yat was, and yai answerit, yai knew not; and yat the sentinels bid them, if yai were servandis of my L. Bothweill, to gang yair way.

My lord came into his ludgeing, and immediately callit for ane drink, and tuk off his cloathes incontinent, and zeid to his bed, and tarriet in his bed about half an hour, quhen Mr. George Hacket come to the zet, and knocks, and desired to be in; and quhan he came in, he appeared to be in ane greit effray, and was black as any pik, and not ane word to speik. My lord inquirit, quhat is the matter, man? And he answerit, the kingis house is blawn up, and I trow the king be slayn. And my lord cryet, fy, treasoun! Andyan he raise and pat on his claiths. And yarefter the erle Huntley and mony came in to my lord, and yai zeid into the quenes house.

*Item.* Deponis, Yat upon the nixt nicht efter, my lord desyrit yis deponar, Pat Wilson, Georde Daglish, the laird of Ormestoune, and Hob Ormestoune, John Hepburne, and zoung Tallo, to keip thair tongues cloiss, and yai suld nevir want sa lang as he had, and



yat he suld send the deponar and Pat Wilson to the armitage, and yat yai suld be honestly sustainit. And being inquirit, gif this deponar, at my lord Bothwells desyre, socht ane fyne lunt of any of the suddartis: and answerit, yat he did the same, and gat a peice of fine lunt of half a faddome, or yareby, fra ane of the suddartis, quhais name he knawis not, and deliverit to Johne Hepburne of Boltoune, upon Saturday before the kingis slaughter.

*Apud Edinburgum 3 Julii, An. Dom. 1567, in presentia  
Dominorum secreti Concilii,*

WILLIAME POWRIE re-examined, deponis, Yat the carage of the tronk and mail contenit in his former depositioun, were caryed by him and Pat Willson, upon ane gray horss yat pertained to Herman page to my lord, at twa sundry tymes, and war carryed and conveyit by yaim into the place containet in his former deposit, and yat at the Frier Wynd fute yis deponar said to Pat Willson, at the conveying of the last carriage, thir words, Jesu, Patt, quhattin ane gait is yis we are gangand? I trow it be not gude. And he answerit, I trow it be not gude; but weist, hald zour tonge.

*Item.* Depons, Quhan the deponar and Pat Willson come to the Frier Zet with the last convoy, and laid the same down, Robert Ormestoune come furth, and said thir words. This is not gude like, I trow this purpois will not come to this nycht, I will in and se quhat yai are doing.

*Item.* Yarefter quhen the powlder and greaith was carryed inwart, the Deponar tarryand at the dyke, the laird of Ormistoun of yat ilk came again, and said to John Hepburne and young Tallo, thir words, (Paris Frenchman being with him) be God, it is fair in field,

cum of it quhat will, and bade the deponar and Pat Wilson gang their way; and at the same tyme yat ye deponar and Pat Wilson laid down the last cariage at the said Frier Gait, the E. Bothweill came unto thame withut the Frier Zet, accompanyit with thre more, quhilks had yare cloaks and mulis upon yain feet.

*Item.* Deponis, Yat the saidis Johnne Hepburne of Boltone, upon Saturday at evin befor the kingis slaughter, brought the mail and tronk quhairin the powlder was, to the E. of Bothwiles ludgeing, and laid in the same in the neither hall: and the deponar declaris, yat at the last horse cariage he bare up ane toome poulder barrel to the same place yai carriet the pulder, and yat he wist not how nor be quhome the same came in the erle Bothweilis ludging in the abby.

*Item.* Deponis, Yat upon the morn estir the kingis slauchter, viz. Mononday, Johnne Hepburne of Boltoun gat ane gray horse, Mr. Young Tallo ane broun hors fra my L. Bothweill.

*Item.* Inquirit gif William Geddes deposition, being red to the deponar, was trew; declarit the same was all trew, except the deponar remembers not quhidder he had and consulit this Geddes not to be fund on the gut yat nycht or not.

This is the trew copy of the depositions of the sald William Powry, maid in presence of the lords of secreit counsall, concorcand and agrieand with the principal remainand at the office of justiciary, collationat be me Sir John Bellenden of Auchnoule, clerk of our souerane lordis justiciarie, witnessing my sign and subscription manual.

JOANNES BELLENDEN *Clericus Justiciarie.*

## The Deposition of GEORGE DALGLEISH.

*Apud Edinburgum, 26 Junii, An. Dom. 1567, presentibus comitibus de Mortoun & Athol, preposito de Dundee, & domino de Grange.*

GEORGE DALGLISH seruande in the chalmer to the erle Bothwell, of the aige of 27 zeiris, or yareby, &c. deponis, yat ye Sunday the king was slayne at nycht, the E. Bothwell, accompanyit with the laird of Ormistoune of yat ilk, Hob Ormestoune his fader bruther, Johne Hepburne of Boltone, Johnne Hay of Tallo zounger, war togidder in the neither hall of the said erl's ludging in the abby, about four houres in the eftirnone, and remained yarein ane hour and a half, and quhat yai did knaws not, be ressoun the deponar remanit for the maist part in my lord's chalmer.

*Item.* Deponis, yat my lord his maister came to his chalmer about 12 hours at evin, or yareby, and tuke of his clayths, and chingit his hois and doublet, *viz.* ane pair of hoiss stocket with black velvet, pasementit with silver, and ane doublett of black satin of the same maner, and put on ane vther pair of black hoiss, and ane canwes doublett white, and tuke his side riding cloak about him, of sad English claith, callit the new colour. And incontinent the Erle, French Paris, William Powry, seruitor and porter to the said erle, Patt Wilsoun, and the deponar, zeid down the turnepyke altogidder and endlong the bak of the quene's garden, quhil yow cum to the bak of the cunzie house, and the bak of the stabillis, quhill zow com to the Cannogate foreanent the Abbay zet. And depones, as yai came by the entry of the quene's south garden, ane of the

sentinels yat stude at the zet yat gangis to the utter cloiss, speirit at thame, quhais that? Yai answerit, friends; quhat friends? friends to my lord Bothwell.

*Item.* Deponis, yai came up the Canogait to the Nethir Bow, quhilk wes steikit, and yat Pat Willson cryit to John Galloway, and bid him come down and oppin the port and let yame in, and yat yai tarriet ane gude quhile or Galloway came down to let yame in and speirit at yame, quhat did yow out of yair beds yat time of night? and eftir yai enterit within the porte, yai zeid up abone Bassyntines house on the south-side of the gait, and knockit at ane dur beneth the swordslippers, and callit for the lard of Ormestounes, and one within answerit, he was not yare; and yai passit down a cloiss beneth Frier Wind, and enterit in at the zet of the Black Friers, quhil they come to the bak wall and dyke of the town wall, quhair my lord and Paris past in over the wall, and commandit ye deponar, William Powry and Pati Willsoun, to remayne still quhill yai came till yame, and quhatevir yai hard or saw, not to stur or depart quhill he cam againe: and yat yis deponar and the uther twa tarreit yare half an hour or yareby, and in the meyn time hard no din of any thing, quhill at last my lord, accompanyit with John Hay zounger of Tallo, Johne Hepburne of Bolton, come to the deponar, and his company, yai hard the crack, and past all away togidder out at the Frier zet, and sunderit in the Cowgait. My lord, Johnne Hepburne, and Pat Wilsoune, William Powrie and the deponar zeid up ane wynd be est the Fryer Wynd, and crossit the Hiegait at the Nether Bow, to haif lopin the wall at the Leith Wynd, bot thai thocht the wall over hich, and came agane to the Port; and my lord caussit cry upone Johne Galloway, and said, yai were

servands of my lord Bothweill; and yat he ruse and oppynit the wickit, quha it wes yat ruse, *ignorat*: and syne yay passit down St. Mary Wynd, and down the back of the Cannygait, and to the said erles ludging, and enterit be the same turnpicke yat yai cam furth at. And as yai passit by the quene's gardens, ane of the sentinel's speirit, quha yay war? And yai answerit, yai war friends of my lord Bothweill. And so soon as my lord came in his ludgeing he cryit for ane drink, and incontinent yareftir tuke off his claythes and zeid to his bed, and lay be the space of half ane hour or yareby; and yat Mr. George Hacket came to the chalmer about half ane hour eftir my lord lay down. Quhan he came in, he apperit to be very effrayit, and my lord speirit, quhat is the matter man? And he answerit, yat he heard at the Kirk of Field like the schot of ane cannoun, and, as I hear say, the king's house is blawn up, and I trow the king be slayne. And incontinent my lord raise and pat on his clayths, that is to say, the same hoiss and doublet yat he had on upon Sunday, quhilks wer passements with siluer, and sa sone as my lordis clayths was on, he departit furth of the chalmer, and the deponar remanit still in the chalmer.

This is the trew copy of the depositione of the said George Dalglish, maid in presence of the lordis before exprimit, concordand and agreeand with the principall remayning at the office of justiciarie, collationat by me Sir John Bellendent knight, clerk of our soveraigne lordis justiciary, witnessing my signe and subscription manual.

JOANNES BELLENDEN *Clericus Justiciarie.*



## The Deposition of JOHN HAY younger of Tallo.

*Apud Edinburgum 13 die mensis Septembris, An. Dom. 1567, in presence of my Lord Regent, the Erles of Morton and Athol, the Lairds of Lochlevin, and Peta-row, Mr. James Magyll, and the Justice Clerk.*

THE quhilk day, John Haye zounger of Tallo being examinit anent the kingis graces murther, grantit and confessit himself culpable yareof, and as he wald answer before God, deponit and declarit the erle Bothwele his masters pairt of the same, sa far as the deponar knew, in manner following: that is to say, that upon the 7 day of Februar last hypast, before the kingis murther, therle Bothweil, within his chalmer in his ludging in the Abbay of Halyrudhous, schew to the deponar the purpose of the kingis murther, sayand their words or siclike, Johne, this is the mater, the kingis destruction is devysit, and I mon reveill it unto ye, for an I put not him down, I can not haif an lyfe in Scotland, he will be my destruction, and I reveill this to the as to my freind, and gyf zow reveill it again, it will be my destruction, and I sall seik this thy life first; and yarwith he gave the deponar also diverse admonitions, and also fair promises to keip the matter secret, and to take part with him in the kingis slaughter, as he had devisit; and yat yareafter at evin, in the presence of John Hepburn callit of Bolton, the said erle proponit the samyn matter to the deponar, quhilk John Hepburn was on the counsail yareof of before. And therle Bothwell said to the deponar, I have devisit it in this manner, and ye sall do the same, that is to say, he said in presence of James Ormistoun of yat ilk, and the



said John Hepburn, thir words, the pulder mon be laid in the house under the kingis chalmer, quhaire the queene suld lye, in an barril, gyf it may be gotten within the barril, and the said barril sall haif an hoill at the nether end yareof, and an tre holit and howkit like an troch put to the hoill of the barril, and an lunt yareupon, quhilk sall be fyrit at the far end, and the unfyrit end laid in the hoill of the barril in the pulder. And this porpos suld haif bene put in execution upon the Saturday at night, and the matter fayllit yat night, becaus all thingis war not in reddyne's yairfor.

*Item.* Deponit, yat upon Sunday yarefter, about thre or four houres afternone in therle Bothwell's nedder house in the Abbaye, the said erle, John Hepburn of Bolton, and the deponar, devysit yat my lord suld gang up to the said laird of Ormiston's chalmer (like as he did) sua sone as it was mirk, and yat yare past with my lord, quyet on fute, John Hepburn of Bolton, the deponar, and Ade Murray met yame, and sum utheris quham the deponar remembers not, at the said laird of Ormiston's stairefute of his chalmer, above the bow, on the south-syde of the gait, and yat my lord comandit the said Ade and utheris to pass to Mr. John Spensis, and remayne yare quhill he came to yame ; and yat my lord, John Hepburn of Bolton, and the deponar, enterit in the said laird of Ormiston's chalmer, quhair yai fand the said lard, and Hob Ormiston his fader bruther, and an bruther of the lards, quhais name the deponar knaws not, and was put to the dur : and yair yai consullit quhat gait yai suld gang to the kingis house, becaus yai had not tane purpois yairupon of before : and syne yai zeid all down togydder to the Black Frier zeit, and ye said lard of Ormiston zeid in throw the ald howsis and wallis, and past and opynitt the

said Frier zet to my lord, the deponar, and the rest foresaid. And yat my lord and the deponar zeid up and down the Kowgate, quhile Wille Powry and Pate Willson brocht the powder, quhilk was brocht at twa sundry times, furth of the Abbay, from the erli's ludgeing, and yat the same was in a tronk and an mail, and was brought upon Hermanis naig, and yat the powder was ressavit in at the Black Frier zeit be the said lard of Ormiston, and John Hepburn of Beltown, and yat the samyn was born in be Wille Powry, Pate Wilson, and the said lard of Ormiston, Hob Ormiston and the deponar in the trunk and mail. And yarestir the powder yat was in the trunk, was taken furth of the same, and put in polks, and the powder yat was in baith the tronk and mail was caryit to the kingis house in polks.

And it is of veritie, that Paris the French man was in the nedder house, under the kingis chalmer, and had an key of the backdowr, and then the said lard of Ormiston past in at the said dur, and spake with the said Hob his fader bruther, and with the said Paris, being both therein, and fand the time convenient, and came furth again, and tauld the samyn to the said erle and his cumpany; and yat yai had with yame alswa a tre and a powder barrel, for to have done as said is, but the barrel was so meikle, it could not be gottin in at the duur; and yan yay tuk all the polks and carried yame within the said laich house, and temit yame on the flour in an heip, and the polks weir taken furth again, and yat my lord was in the house afoir, and had left the said Paris yarein, and the said Hob standand at the dur awaitand upon yair coming: and yat the said lard of Ormistone said to the said John Hepburn, ze ken now quhat ye haif to do quhen all is quyet abone

zow, fyre the end of the lunt, and cum zour way. And yarestir the said lard of Ormiston past his way with Hob with him, and Paris. John Hepburn and ye deponar tarryit still within the said laich house a certain space, and Paris lockit the back dur, and the dur yat passes up the turnpike to the kingis chalmer, quhair the king, the quene, and ye erle Bothwell, and vthers were, and passit up to yame, levand behind him the said John Hepburn and the deponar lockit in the said nedder house; and as the deponar believes, Paris shew the erle Bothwell that all things were in readiness, and syne sone yarestir, the quene and the lordis returnit to the abbay, my lord Bothwell being in her cumpany; and yarestir the erle Bothwell, accompanyit with Paris and Georde Dalglish, came to the back zard, and the said Hepburn quha had twa keyis of the back dur, lichtit the lunt, and came with the deponar, and lockit the durris after yame, and fand the erle of Bothwell in the zaird, quha speirit at yame, gyf they had done that quhilk he had biddin yame, and fyrit the lunt; and yay answerit yat it was done. And eftir my lord and thai tarryit in the zaird ane lang tyme: and quhen my lord saw yat ye matter came not hastily to pass, he was angre, and wald have gen in himself in the house, and the said John Hepburn stoppit him, saying thir wordis, ze neid not. And my lord said thir wordis, I will not gang away quhile I see it done; and within ane schort space it fyrit, my lord, John Hepburn, the deponar, and Paris being gangand at the fute of the aley in the said zard, and quhen they saw the house riseand, and heard the crack, they ran their way, and come down the Wynd fra the said Frier zett; and yat my lord yarestir past to the wall at Leith Wynd, to have past over it, but because he thocht it over hich,

he sturrit yarewith, and came back again to the Nether Bow, and past furth at the port, after Johnne Hepburne had cried upon John Gallaway, porter, and caussit him oppin the port; and that the saids John Hepburn and Georde Dalgleish passit afore with my lord, and sone yarestir, the deponar and Paris followit, and the deponar passit to his bed in John Hepburns in the Canongait, and my lord passit to his awin ludgeing in the Abbay.

The Deposition of JOHN HEPBURN, called John  
of Bowton.

*Apud Edinburgum 8 die mensis Decembris, An. Dom.  
1567, in presence of my Lord Regent, the Erle of  
Athol, the Lord Lindsay, the Lard of Grange, and  
the Justice Clerk.*

THE quhilk day, Johnne Hepburne, callit Johnne of Bowtoun, being examinitt upon the kingis murther, grantit himself culpable and guilty yairof, and as he wald answeire before God, deponit and declaryt the erle of Bothweile his maisters part of the samyn, so far as the deponar knew in this matter, that is to say, the first tyme yat evir the erle of Bothwile spake yis matter of the kingis murther to the deponar, was ane day or twa aftir the bringing of the powder furth of Dunbar, at quhilk tyme he said to the deponar in this manner, thair is ane purpois divisit amongs some of the noblemen, and me amongs the rest, yat the kinge sall be slane, and that every ane of us sall send twa servandis to the doing yarof, owther on the fields, or otherwise as he may be apprehendit; and yan desirit ye deponar to be ane of the entreprysers for him: quhais answer was, yat it was ane evil purpois, and zit, because he was servand and cousignance to his lordshyp, he wald do as vtheirs wald, and put hand to it. One the morne yareftir, he callit James Ormiston of that ilk, the deponar and John Hay zounger of Tallo, and break the purpois to yame, and maid the like declaratioun to yame, yat vthir noblemen had had as far enteres as he in yat matter; and yai maid him evin sic answer as he had done. Quhether my lord had

schewed yame ye purpois of befoir or not, ye deponar knawes not. Swa every day yare was tauking amongis yame of the samyn purpois, quhill within twa dais before ye murther, yat the said erle changed purpose of the slaying of the kinge one the feildes, because yan it wald be knawn, and schew to yame quhat way it mycht be usit better be ye pulder. And on the Sunday, in the gloming before nicht, ye 9 daie of Februar last bepast, the deponar send ye said Johne Hayes man for ane tome poulder barrel to the man quhilk Johne Hays had cost the same fra, yat dwells above Sandie Bruces cloise heid. At even my lord suppit in maister Johne Balfour's hous, quhare the bischop of Argyle maid the banket, and eftir supper my lord came up the gait, and yai all with him to the said lard of Ormestonis' chalmer, quhair ye deponar and Johne Hays past in, and fand the said lard and Hob Ormistoun his fader bruther; and as ye deponar rememberis, yat was the first time yat Hob knew of yat matter, and yare yai spake togidder, and my lord schewit yame ye maner: and the deponar, the said lard of Ormestoun, Hob Ormistone, and Johne Hays, past to the fute of the Black Freir Wind, haveing sent away Wille Powry and Pate Wilsone for the poulder. And before yar comming furth of the said chalmer, my lord departit with his servandis, quhair ye deponar knawes not. And the saids foure being togidder, as is befoir wryttin, at the fute of the Freir Wind, the said Willie Powry and Pate Wilsone, cum agene with the poulder, quhilk was brocht at two times in ane tronk and ane mail, and yai carreit it in at Black Freres zet, and quhen yai war changing ye pulder furth of the tronk in polks, my lord come and speirid, gyf all was redy, and bad yame haist before the queene cum furth of the kingis house, for gyf she cum



furth before yay wer reddy, yay wald not find sic commodity. And yan ye pulder being put in polks, the saids laird of Ormestone, Hob Ormestone, this deponar, Johne Haye, Willi Powry, and Pate Wilsone tursit up the pouder to the kingis house, and fand Paris at the dur, quha openit the samyn, and yay assayit to haue taken in the said barrell, and it wald not gang in at the dur, and yan yai liftit the samyn, and brocht it back to the zaird, and had in the pouder, and tuming it furth of the polks in ane bing and heip upon the flur, evin directly under the kingis bed; and yan ye said laird of Ormestone, Hob Ormiston, and Paris past away, and left the deponar and John Hay within the said house, quhilks tarriyt yarein quhill efter twa houres after mydnight, and yan tuk ane lunt, with ane litle tre quharon it lay, and placit ye same, ye ane end in the pouder, and fyrit ye vther end, and cam yair way, and lockit ye thre duris behind yame; and at yair cuming furth to the zaird, yay fand my lord Bothwell, Geordie Dalglish, Pat Wilson, and Willie Powry; and my lord speirit at them, gyf yay had done all things as was ordourit: and yai said, zea; and yai tarriyt upon ane quarter of ane hour yairestir, and my lord thocht lang, and speirit gyf yair was ony part of the house yat they mycht se the lunt gyff it was burnand anouch, and yai said, yare was nane but ane wundo quhilk wes within ye clois, and as they war speeking upon it, the house begouth to take fyre and blew up, and yai ran away, and cum up Black Freir Wind, and zeid down ane clois to haif gottin over the broken wall at Leith Wind, but my lord thocht it over heich to loup, because of his sair hand, and swa returnit to ye Nedder Bow, and walkynit John Galloway, portar, quham yai gart cum down and opin the zet: and Willie Powry, Paris, and

John Hays, zeid evin down the Cannongait, and my lord, the deponar, Pat Wilson, and Georde Dalgleish, zeid down Saint Mary Wind, and behind the zairds unto my lordis ludgeing in the abby. And in yair byganging, twa of the watchis spirit, quhat yai were, and ye deponar answerit, we are servands of the erle Bothweill, gangand to him with news out of the town; and swa my lord passit to his bed, and yis deponar lay down in ane bed in ye hall. And sone yareftir Mr. George Hackett came in, quha told, yat the house of the Kirk of Field was blawn up in the hair, and the king slane. And within short space yairafter my lord Huntley came in, and my lord Bothweill raiss and put on his claithis, and passit into the queenis house. And the deponar tarryit sum tyme yareftir, and cumand furth, fand the abbay zeit closit, and yan ye deponar fand the said John Hay in his bed in John Hepburns, and lay down with him.

*Item.* Deponis, yat yare wes fourteen false keys maid for oppyning of all the lockes of the dures of the kingis ludgings at the Kirk of Field, quhilk the deponar, eftir the committing of the said murther, keist in the quarie hole betwixt ye abbay and Leith.

Thir ar ye true copies of the depositionis of the said John Hays zounger of Tallo, and Johne Hepburne callit of Boutoune, maid in presence of my lord regent, and the lords before mentionit, in manner befoir expremitt, concordant and agreand with the originalis, quhilks are remainand in the justiciarie, collationate be me Sir John Bellenden of Auchinoul, knight, clerk of our soverane lordis justiciary.

JOHANNES BELLENDEN, *Clericus Justiciarie.*

*The Tryal and Sentence of the saids William Powrie,  
George Dalgleish, John Hay, and John Hepburn.*

*Curia justiciariorum S. D. N. regis, tenta & inchoata in prætorio de Edinburgh tertio die mensis Januarii, anno Domini millesimo quingentesimo sexagesimo septimo, per honorabilem virum magistrum Thomam Craig, justitiarium deputatum nomine nobilis & potentis domini Archebaldi comitis Argadiæ, domini Campbell & Lorne, justiciariorum generalis dicti S. D. N. R. totius regni sui generaliter constituti. Sectis vocatis & curia affirmata.*

THE quhilk day, Johne Hepburne callit of Bolton, Johne Haye, apperand of Tallo, Williame Powrie and George Dalgleish, being present in judgement in the said court, to be accusit of the dittay after-specifeit, were putt to the knowledge of the persons underwritten, quhilk were lawfully summoned to pass upon yair asize, choisin and admittit be thameselues, and sworn to deliver upon the points of the said dittay, viz.

John Lockart of the bar,	John Stoddart yair,
The Laird of Caprinton,	Williame Strang,
James Campbell of Chankstoun,	James Freeman Burges
Heugh Wallace of Carnell,	of Edinburt,
The Laird of Mochrum,	Heugh Brown yair,
William St. Clare in Gosfoird,	Charles Geddes,
Laird of Gastoun,	John Watson,
Robert Gray Burges of Edin-	James Aickman.
burt,	

And immediately astir the chesing and swering of the saids personis of assys, as use is, the foresaid John Hep-

burne, John Haye, William Powrie, and George Dalglishe, being accusit be dittay, oppinly read in judgement, of the crymes following; and eftir the reding alsua in jugement of certain answeris and depositionis maid be thame of before at particular examinationis of yame upon ye saidis crymes, quhilks yai recognoscit, and confessit to be of verity in presence of the saidis personis of assys, the said personis of assys removit furth of the said court, and altogidder convenit and ressonit upoun the pointis of the said dittay, togidder with ye saidis depositionis, and syne being yairwith rypely avysit, reinterit in the said court of justiciarie, and yair, in presens of the said justice-depute, be yair deliverance pronouncit and declarit be ye mouth of the spekir John Lockart of the bar, chancilar of the said assys, fand and deliverit the saids Johne Hepburne, John Hay, William Powry, and George Dalglishe, to be culpable, fylit, and convict of art and part of the cruel, shamefull, treasonabill, and abhominabill slauchter and murther of umquhill the kingis grace, fadir to our soverane lord, in his awin ludging for the tyme, within the burgh of Edinburt, besyde the Kirk of Field, quhair he was lyand in his bed, taking the nychts rest, treasonably risand fyre within the same, with ane grite quantitie of poudre, through force of the quhilk the said hail lugen wes raisit and blawin in the air, and his grace was murderit treasonably, and maist cruelly slane and destroyit by yame yarcin: and als, for art and part of the crewall slauchter and murthor of umquhill William Tailzor his graces servitour, and umquhil Andro Macaig, treasonably throw raising of the said fyre, as said is, committit in the company with James sumetime erle Bothwell, now rebel, and declarit traitor in parliament, and at the Horn, in the

moneth of Februarie last bypast, under seilence of nycht, upon sett purposes, provisioun, and forthought felonye.

And thairfoir the said justice-depute, he dome pronuncit be the mouth of Andro Lindesay, dempstar of the said court of justiciarie, decernit, ordanit, and adjudgit the saidis Johne Hepburne, Johne Haye, Williame Powrye, and George Dalglish, to haif comittit the crymes of treasoun and lese majestie; and as manifest traytours to be demanit as followis, that is to say, the said Johne Hepburne, John Haye, William Powrye, to be hangit to the deid on ane gibbet at the Mercat Croce of Edinburt, and yair heddis, leggis, and armis, to be cuttit from yair bodies, and put up and hangin (as for example) on the portis of Edinburgh, and vther portis of the principall borrowis of yis realme, and yair bodies to be brynt and consumit in fyre besyde the said gibbett. And the said George Dalglish, to be hangeit to the deid, and his heid to be cuttit fra his bodye, and put upon the port of Edinburgh. And siclyke, decernit and ordanit the saidis personis, and ilk ane of yame, to haif foirfaulted and tynt all and sundrye yair landis, heritages, possessionis, talkis, steddingis, lyferentis, actionis, debtis, and all vthers yair guds, moveables, and unmoveables, to be inbrocht, and remaine with oure soverayne lord, as his escheat.

*Extractum de libro actorum adjournalis S. D. N. Regis, per me Johannem Bellenden de Auchinoule, militem, clericum justiciariæ ejusdem generalem, sub meis signo & subscriptione manualibus.*

JOHANNES BELLENDEN *Clericus Justiciariae.*



*The Confessioun of John Habroun, young Talla, Dagleish and Powrie, upon quhom was Justice execute the 3d of Januarie, the yeare of God 1567.*

JOHN of Bowton confessit that nyne was at the deid doing, my L. Bothwell, the lord of Ormistoun, Hob Ormistoun, himself, Talla, Dagleish, Wilson, Pourie, and French Paris, and that he saw na moe, nor knew of na other companies. Buchanan's  
Detection.  
English  
Edit.

*Item.* He knawis nat other but that that he was blowin in the ayre, for he was handilit with na men's handes as he saw, and if he was, it was with others and not with tham.

*Item.* As touching Sir James Balfour, he saw not his subscriptioun, but I warrand you he was the principall counsallar and deviser.

*Item.* He sayd, I confesse it is the veray providence of God that hes brought me to his judgement, for I am led to it as an horse to the stall, for I had schippis providit to flie but could not escape.

*Item.* He sayd, let no man do evill for counsall of great men, or thayr maysters, thinking thay shall save tham, for surely I thought that night that the deid was done, that although knowledge should bene gotten, na man durst have sayde it was evill done, seing the hand writtis and acknowledging the Quenis minde thairto.

*Item.* Speaking of the Quene in the Tolbuith he sayd, God make all weill, but the langer deirt is hydden, it is the stronger. Quho lives, our daithes will be thought na newis.

*Item.* Hinmest he confessit, he was ane of the principall doers of the daith, and thairfoir is justly worthy of daith, but he was assurit of the mercy of God, quho callit him to repentance.



ITEM. Talla confessit *ut supra*, agreing in all pointes as concerning the parsons, number, and blowing in the ayre.

*Item.* He affirmit, that in Setoun my lord Bothwell callit on him and sayd, quhat thought you quhen thou saw him blowen in the ayre. Quho aunswerit, alas! my lord, quhy speake ye that, for quhen ever I heare sic a thing, the wordes wound me to death, as they ought to do you.

*Item.* That same tyme he saw Syr James Balfour put in his owne name and his brother's unto my lord Bothwelles remissioun.

*Item.* He knew of the deid doing three or four days or it was done, or thereby.

*Item.* He sayd, after that I came to the court, I left the reading of God's worde and imbrasit vanitie, and thairfoir hes God justly brought this on me.

Quhairfoir let all men flee evill cumpany, and to trust not in men, for redy are we to imbrace evil, as redy as hardes to receive fyre. And furthur, in the Tolbuith he requirit John Brande, minister of the congregation, to passe to my lord Lindsay, and say, my lord, hartily I forgeve your L. and als my lord regent, and all others, but specially tham that betrayit me to you, for I know if ye could have savit me ye would, desiring you, as ye will answer before God in the latter day, to do your diligence to bring the rest quho was the beginners of this worke to justice, as ye have done to me, for ye know it was not begunne in my head, but yit prayses God that his justice hes begunne at me, by the quhilk he hes callit me to repentaunce.

ITEM. Daglishe sayd, as God shall be my judge, I knew nothing of the kingis daith befoir it was done,

for my lord Bothwell gangand to his bedde after the taking of of his hose, quhilke was stockit with velvet, French Paris cum and roundit with him, and thairefter he taryed on me for other hose and claithis, and his riding cloke and sworde, quhilke I gave him, and herefter cum up the gait to the lord of Ormistoun's lodging, and taryit for him, and therefter that he passit to ane Wynd beside the Blacke Fryers, and cum to the slope of the dike, quhaire he gart me stand still ; and as God shal be my judge, I knew nathing quhill I heard the blast of powder ; and after this he cum hame, lay downe in his beid, quhill Mr. George Hakit cum and knockit at the doore, and if I dye for this, the quhilke God judge me gif I knew maire, quhat shal be done to tham quho was the devisers, counsallars, subscribers, and fortifiers of it.

## No. XXV. Vol. II. Page 18.

*The Evidence of Thomas Nelson concerning the murder  
of King Henry Darnley.*

Marked with Secretary Cecil's hand.

Anderson,  
vol. iv. p.  
165.

THOMAS NELSON, sumtyme servand in the chambir to wmqhill King Henry of guide memory of Scotland, examinat upoun his conscience, declaris that he was actuall servand to the king the tyme of his mwrthour and lang of befoir, and came with him frome Glasgow the time the quene convoyit him to Edinburgh.

*Item.* The deponar remembris it wes dewysit in Glasgow, that the king suld haif lyne first at Craigmyl-lare: bot becaus he had na will thairof the purpois wes alterit, and conclusioun takin that he suld ly besyde the Kirk of Feild, at quhilk tyme this deponir belevit evir that he suld haif had the duikis house, and knew na uther hous, quhill the king lychtit, at quhilk tyme he past drectlie to the said duikis hous, thinking it to be the lugeing preparit for him: bot the contrare was then schawin to him be the quene, quha convoyit him to the uthir hous, and at his cuming thairto, the schalmer wes hung, and ane new bed of black figurat wel-wet standing thairin. The keyis of the lugeing wes partlie standing in the durris, and pairtlie deliverit to this deponir be Robert Balfour awnir, all exep the key of that dur, quhilk passit throuth the sellare and the town wall, quhilk could noht be had, and thairfore

Bonkle in the sellare said, he suld clois it weill aneuch within, quhlkis keyes wes keppit and usit be this depouir, and utheris the kingis servandis, quhill the quenis cuming to the lugeing, at the quhilk tyme, the key of the laich chalmir undir the king quhair sche lay tua nytis, viz. the Wednesday and Fraday befor his murthour, with the key of the passage that past toward the gardin, wer deliverit in the handis of Archibald Betoun, as the depouir remembiris, quhill Archibald wes yscheare of the quenis chalmer dour, befor quhilk tyme of the quenis lying in the kingis lugeing the tua nytis above namyt, sche causit tak down the uttir dour that closit the passage towart baith the chalmeris, and causit use the samyn dour as a cover to the bath fatt quherin he wes baithit: and sua ther wes na thing left to stope the passage into the saidis schalmiris, bot only the portell durris, as alsua sche causit tak down the said new blak bed, sayand it wald be sulzeit with the bath, and in the place thair of sett upe ane auld purple bed that wes accustomat to be carit, and the saidis keyis that wer deliverit in the handis of Archibald Betoun remanit still in the handis of him and utheris that awaitit upon the quene, and nevir wer deliverit agane to the kingis servandis: for sche sett upe ane grein bed for hir self in the said laich chalmer quherin sche lay the saids tua nytis, and promist alsua to haif bidden thair upoun the Sounday at nyt. Bot eftir sche had tareit lang and intertenit the king verey familairlie, sche tuk purpose, (as it had bene on the suddan) and departit as sche spak to gif the mask to Bastiane, quha that nyt wes mareit hir servand; namelie, the said Archibald Betoun, and ane Paris Francheman havand the keyis of hir schalmir, quherin hir bed stuid in, as alsua of the passage that past towart the gair-

ding: for quhen the quene wes thair, hir servandis had the keyis of the baill hous, and durris at hir commandement, for upon the nyt sche usit with the lady Rereis to ga furth to the garding, and ther to sing and use pastyme. Bot fra the first tyme that sche lay in that lugeing, the kingis servandis had nevir the key of hir said schalmir agane. The quene being departit toward Halyrud hous, the king within the space of ane hour past to bed, and in the chalmer with him lay wmquhill William Taylyour. This deponir and Edward Symonis lay in the litill gaylery, that went derivict to sowth oute of the kingis schalmir, havand ane windo in the gawill throw the tounwall, and besyde thame lay William Tailzeir's boy, quhilks nevir knew of ony thing quhill the hous quherin thay lay wes fallin about thame: oute of the quhilke how sone this deponir could be red, he stuid upoun the rwynous wall quhill the pepill convenit, and that he gat claithis and sua depairtit, quhill on the Monounday at efter none he was callit and examinat, and amangis utheris thingis wes inquired about the keyis of the lugeing, this deponir schew that Bonkle had the key of the sellare, and the quenis servandis the keyis of hir schalmir: quhilk the laird of Tulybardin hering said, bald thair, heir is ane grund, eftir quhilk wourdis spokin thai left of and procedit na farther in the inquisition.

## No. XXVI. Vol. II. Page 34.

*Letter from Lord Hunsdown to Sir William Cecil,  
from Berwick, 30th August, 1569.*

WHEREIN he says he received a letter of the 23 of August with the Q. Majestys letter, and my lady Lennox packet, and towching Paris, he was put to death a fortnight since, and so was Stewart, who was king of heralds, which had determined to kill the regent, but he was forgiven for that, and was burnt for conjuration and witchcraft.

From Anderson's  
Notes of  
Letters in  
the Paper  
Office.

*Letter from Murray to Elizabeth, without date.*

PLEASE it your majestie, I have of lait ressavit three letters of your hienes, the first by my servant Alexander Hume, the next from ane Mr. Tho. Fleming, and the third be my lord governour of Berwicke, for the differing of the executioun of death upoun ane Paris Fransheman.—

From Anderson's  
Notes. Paper  
Office.

As to that quhilk your majestie writtes of ane Paris, a Franshman, partaker with Ja. sumtyme E. Bothwele, in the murther of the K. my soverains fader, trew it is, that the said Paris arrivit at Leyth about the middes of June last; I at that time being in the north partes of this realme far distant, quhair upon it followed, that at my returning, efter dilligent and circumspect examinatioun of him, and lang tyme spent in that behaulf, upoun the xvi. day of August bypast, he sufferit death by order of law, so that before the receipt of your hienes letter be the space of 7 or 8 dayes, he wes execute. Otherwyse your majesties requisitioun towardis the differing of his executioun by way of death suld have



been maist willingly obeyed, the same bringand with it sa gude reason. Bot I trust his testimonie left sal be fund sa authentik, as the credit thairof sall not seame doubtfull neyther to your hienes, neyther to thame quha be nature hes graitest cause to desire condigne punishment for the said murther.

*Deposition of Paris, Scrvant to the S. Q. and present at the Murder of her Housbonde.*

Cal. B. ix. Fol. 370.

*S'ensuyt la declaration et deposition de Nycollus Haubert dict Paris, Paresien, touchant la morte et meurtre du feu Roy Henry d'Escosse : au meurtre duquel le dit Haubert estoit present, avec le Conte de Boduel et les autres ses adherens : Ceste deposition fut faicte a Saint Andrieu, sans ce que le dit Paris fut contraint ni interrogué, de son propre mouvement et voulloir pour s'en descharger comme il deist, et ce le ixme. jour d'Aoust, 1569.*

Et primierement, il deist,

JE confesse icy devant Dieu et le monde que le Mercredy ou le Jeudy après disner de la sepmain donct le dict meurtre du feu Roy fut commis, moy estant en la chambre de la Royne à Kerkasfield, en compaignye de pluesieurs aultres attendant la Royne, qui estoit à la chambre du Roy, Mons. de Boduel vint à la chambre de la Royne la ou j'estois, et me deist en l'aureille, Paris ie me trouve mal de ma maladye que tu sçais qui est mon flux de sang, ne sçais-tu point quelque lieu la ou ie porray aller faire mes affaires? Ma foy, ce dict-ie, je ne fut jamais icy qu'à ceste heure-cy, mais ie m'en vois chercher quelque lieu. La-dessus ie trouve ung

coing ou trou entre deux portes et le va dire, Mons<sup>r</sup>. venes-vous-en, sy vous estes otant pressé ; et estans la dedans, ie ferme la porte sur nous, et luy oste sa robbe, commençant à le destascher. Il me regarde, et me demande comment ie me portois ? luy disant que ie me portois bien, la grace à Dieu et a luy, me tenant pour bien recompense du service que luy avois faict de m'avoyer faict donner l'estat de varlet de chambre ches la Royne. Il me respondist que ce n'estoit pas asses, et qu'il me feroit davantage. Je luy dis que ie me contentoys, et que ie ne pouvoys davantage à la maison de la Royne, voyant mon equalité, et que ie me contentoys. Il me dict que ie ne chomneroyz de rien que ie luy dise, car disoit-il, tu m'ais faict bon et loyal service depuis que tu m'a servy ; car ie sçay que tu as convert mon deshonneur que tu avois occation de fouller quant tu vins de mon service hors d'Angleterre. Mons<sup>r</sup>. ce dict-ie, ie nay faict que tor de serviteur. Et bien, ce dict-il, pour autant que ie t'ay trouvé fydelle serviteur, ie te veulx dire vne chose, mais il te fault garder sur ta vie que nul ne le sache. (Mons<sup>r</sup>. ce di-ie) il n'aper-tient au serviteur quant le maistre luy dit quelque chose de le reveler, et s'y est chose que vous pensez que ie ne puisse garder, ne me le dictes point. Sçais-tu (ce dict-il) que cest ; cest que sy ce Roy-là qui est la d—— a jamais les pieds sur nous aultres seigneurs, il nous vould dominer et estre cruel, et de nous autres siegneurs ne le voullons pas souffrir, et aussy ce n'est la façon de ce pais, et pour cela nous avons conclud nous aultres de le faire sault—de dedans ceste maison en l'air avecques de la pouldre, de oyant ie ne le dis mot ains baisse la veue basse mon sens et mon cueur ce tourne de l'avoyr ouy ainsy parler. Il me regarde, me demandant que ie pense ? Mons<sup>r</sup>. (ce di-ie) je pense à

ce que vous me dictes, qui est une grand chose. Qu'en pense tu ? (ce dit-il) Que j'en pense, Mons<sup>r</sup>. ? (ce di-je) vous me perdonnerez sy ie vous die selon mon pouvre esprit ce que i'en pense. Que veulx tu dire ? (se dit-il) tu veulx prescher. Non, Mons<sup>r</sup>. vous orres. Et bien (se dit-il) dis, dis. Mons<sup>r</sup>. (ce di-je) depuis cinq ou six ans que ie vous ay faict service ie vous ay tousiours veu en grands troubles, et n'ay sceu jamais voyr d'amis qui ayent faict pour vous ; maintenant, Mons<sup>r</sup>. vous estes hors de tous ces troubles, la grace à Dieu, et plus en court à ce que tout le monde dict que jamais ; pour ma part ie voye que chascung vous faict la court, petis et grands, mais ie ne scay pas que vous rit qui vous veult veoyr aultrement, ie ne scay pas vous estes, du pais Mons<sup>r</sup>. Davantage l'on dict que vous estes le plus grand terrien de ce pais icy, et aussy que vous estes marie qui est l'heure quant vng homme prend ce ply la que il ce fault arester ou jamais. Maintenant, Mons<sup>r</sup>. sy vous entreprenes ceste chose-là qui est grande, ce sera le plus grand trouble que vous eustes jamais, par dessus les aultres, car chascun cryera ha harault sur vous, et vous le voyres. Et bien (ce dict-il) as-tu faict ? Vous me perdonnerez, Mons<sup>r</sup>. s'il vous plaist, sy ie vous ay diest selon mon pouvre esprit (ce di-je). Et beste que tu es (ce dict-il) pense-tu que ie fay cecy tout seul de moy mesme ? Monsieur, ie ne sçay pas comment vous le faictes, mais ie sçay bien que ce sera le plus grand trouble que vous eustes oncques. (Ce dict-il) et comment sera-ce ? car i'ay disia Ledding-ton qui est estymé l'ung des meilleurs espricts de ce pais-cy, et qui est l'entrepeneur de tout cecy ; en apres j'ay Mons<sup>r</sup>. d'Argyle mon frere, Mons<sup>r</sup>. de Hontlye, Mons<sup>r</sup>. de Morton, Ruthen, et Lindesay. Ses trois-là une foys ne me fauldront jamais, car j'ay parlé pour leur

grace ; et ay tous les signes de ceulx-cy que ie t'ay  
 nommes, et aussy avons envie de le faire dernièrement  
 que nous fusmes à Craigmiller, mais c'est que tu es un  
 beste et pouvre d'esprit, qui ne merite d'entendre chose  
 de consequence. Ma foy, Monsieur (ce di-ie) il est  
 vray, car mon esprit n'est point pour telle chose, mais  
 bien pour vous faire service à ce que ie porray, et bien  
 bien Mons<sup>r</sup>., ilz vous porront bien faire maistre et  
 principall de ce faict-là, mais quant ce sera faict ilz  
 porront aussy mettre le tout sur vous, et les premiers  
 qui cryeront ha harault apres vous, et les ceulx qui  
 vous boutteront le premier à mort, s'ilz peuvent. He!  
 Mons<sup>r</sup>., ie vous prie m'en dire d'ung que vous ne  
 m'aves point nommé ; ie sçay bien que cestuy-la est ay-  
 mé en ce pais du commuen peuple, et aussy de nous  
 autres François, que quant il gouvernoyt l'espace de  
 deux ou trois ans, il n'avoit point de troubles au pais,  
 tout le monde ce portoit bien, l'argent corroit, mainte-  
 nant on ne peult veoyr homme qui ayt moyen, et ne  
 voyt-on que troubles ; cestuy-la est sage et sy a des  
 amys allies. Qui est cestuy-la ? (ce me dict-il). Cest  
 Mons<sup>r</sup>. (ce di-ie) Mons<sup>r</sup>. le Conte de Morra : je vous  
 prie me dire quelle part cestuy-la prend ? (Ce dit-il),  
 il ne se veult point mesler. Mons<sup>r</sup>. (ce di-ie), il est  
 sage. Adonc Mons<sup>r</sup>. de Boduel retourne la teste vers  
 moy et me deist, Mons<sup>r</sup>. de Morra, Mons<sup>r</sup>. de Morra, il  
 ne veult n'ayder ne nuyre, mais c'est tout ung. Bien,  
 bien, Mons<sup>r</sup>. (ce di-ie) il ne le faicte sans cause, et vous  
 le voyrez. La-dessus il me commande de prendre la  
 clef de la chambre de le Royne à Kirkafilde. Je luy  
 dis, Mons<sup>r</sup>. vous me perdoneres, s'il vous plaist, pour  
 autant que ie suis estrangier, et aussy que ce n'est mon  
 estat, l'huyssier me porra demander que i'en veulz  
 faire et il aura raison. Et pourquoy (ce dit-il) n'est-tu

vallet de chambre de la Royne ? Il est vraye. Mons<sup>r</sup>. (ce di-ie) mais vous sçavez qu'à la maison d'ung prince chasque officier à son office, et entre les autres l'huysier a le sien, l'estat duquel est de garder la clef de la chambre. Pourquoy donc (ce dict-il) t'ay-ie mis à la chambre de la Royne sy non pour en tirer du service ? Helas ! Mons<sup>r</sup>. (ce di-ie) c'est bien pour vous faire service à ce que ie porrois, mais ie pensois en moy mesme sans rien dire (le craignant) si j'eusse pensé telle chose, iamais la chambre ne m'eust chambree. La-dessus il s'en alla de moy de ce trou ou coing-la, ou il avoit faict ses affaires. Luy estant party de moy, je prens mon manteau et mon espee et m'en voys pormener dans la grand esglise, et pensoys en beaucoup de fortunes que j'avoys du passé eschapies de luy, et commençois à remercier Dieu qui m'avoit delyvré d'aveques luy, luy demandant du bon cueur d'estre hors de sa compaignie pour autant que ie congnoyssois ses vices fort terribles, et principalement ung donct l'on dict que j'en suis sy bon serviteur, me reportant à Dieu, qui congnoit ce que luy en ay dict, comment ce seroyt sa ruyne. Plus de six ans il y a, et qu'il soit ainsy qu'on demande au lard de Petincreif, qui a ouy parler pourquoy je sortis de son service hors d'Angleterre : il me battist et me tormentast à coups de pied sur le ventre, pour me faire faire chose que ie n'avoys envie de faire, donct il m'en à remercié en Escosse, que i'avoys couvert son honneur la ou i'avois occasion de le fouller<sup>1</sup>. Apres avoir pensé à tout cela pour me resouldre de ce faict meschant que i'avoys entendu et qu'il m'avoit dict, ie demande à mon Dieu, qu'il me conseillast voyant le

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<sup>1</sup> See Chalmers' Caledonia, V. II. p. 459, note *m*.



faict sy grand il estonnoit mon esprit; et que sy à ceste heure-la Mons<sup>r</sup>. du Croque eust esté en ce pais, ie n'eusse point esté en ceste peine icy. Quant ie vis qu'il ny avoit aultre remede que d'avoyr patience, et qu'il ny avoit chemin pour m'en aller sy non par Angleterre, la ou j'eusse esté prins et arresté per faulte de passeport, et aussy que cest trahayson contre le prince au serviteur de s'en aller sans congé, et aussy que ie ne sceu prouver pourquoy ie m'en allois sy non per Mons<sup>r</sup>. de Bodvel qui ne m'eust iamais advoue; voyant comme chascun peult pensier que cela gysoit beaucoup à son honneur, et à des aultres Seigneurs à ce qu'il me disoit. Or doncques ce chemin-la ne me vallut rien, je me resoulz dessus ung poynt que sy ce meurtre ce feroit de brief c'estoit ma ruyne, pour autant que ie congnoyssois l'homme qui n'eust iamais failli de moy commander, et s'il y auroit dix ou douze jours entre deux, j'auray esperance de bien faire, car s'il va navire de quelque coste que se soyt, qu'en Angleterre j'estoys delibere de me desrober pourquoy ie me resoulz au sortier de l'esglise de scavoyr de luy quant ce seroyt. De Vendredy doncques ie m'en vois à luy à sortier de sa chambre, comme il alloit chez la Royne, et aussytot qu'il me veist il me demande sy ie avoys prins ceste clef. Je luy dis que je regarderoy a le faire; il me dict que je ne faillisse dont point, car c'estoit à Dymanche qu'ilz vouloyent faire à mettre leur faict en execution. A ceste heure-la je sors d'avecques luy plus fasche que iamais, et m'en vais sur le chemin du petit Leith tout expres pour trouver navire; et quant ie fus a moytie chemin ie dysoys en moy-mesme, or est-il bon a voy que tu as l'esprit bien perdu, pour autant qu'il ny a plus que de main entre deux, quant ores le vent seroyt bon, as-tu la puissance de louer ou fretter



une navire tout seul ou expres ; la-dessus ie m'oste du grand chemin et me destorne à part, priant Dieu de me conseillear, car de faire bruyt de cela j'estoys mort. Ceste jour-la ce passe en ce point, et aussy le Samedy toute la matynée. L'apres disner il me demande encores ceste clef ; je luy dis, Mons<sup>r</sup>., hélas ! comment le feray-je ? Pourquoy (ce dict-il) qui t'en gardera ? N'es-tu pas serviteur de la Royne ? Il est vray, Mons<sup>r</sup>., mais ce n'est point mon estat de prendre les clefs. Mais dy moy (ce dict-il) et pourquoy ? Une foys ie ne le veulx rien commander en ce faict-la. J'ay des clefz asses sans toy, car il n'y a porte ceans donct je n'ay le clef, car Mons<sup>r</sup>. Jacques Balfor et moy avons esté toute la nuycte pour veoyr et chercher le meillieur endroit et passage pour executer nostre affaire, et pour trouver bonne entree ; mais ceste qui tu es une beste, car ie ne te veulx employer en ce faict-la, car j'ay des gens assez sans toy, et aussy que je sçay que tu n'as point de cueur. La-dessus ie entre en la chambre de la Royne, la ou Marguerite et quelques aultres estoyent attendantz la Royne, qui estoit en la chambre du Roy. Adonc le bruyt vint incontenent que la Royne s'en alloyt à l'Abbaie ; tout le monde sort hors de sa chambre, et moy le dernier, prenant la clef de la dict chambre, et m'en voys à l'Abbaie apres elle, la ou je trouve Mons<sup>r</sup>. de Bodvel, qui me demande sy j'avoys ceste clef. Ouy, Mons<sup>r</sup>. (ce di-ie). Il me commande de la garder. Au bout d'une heure Marguerite me prie d'aller à Kirkafeld querir une couverture de maytres à la chambre de la Royne, ce que je fais et prens ung garson avecque moy et entre en la dict chambre, en presens de Sande Duram le jeune, et le porte-faix du Roy, et feis emportier la dite couverture, le dict Duram me demande la clef. Ie luy dis que ce n'estoit pas

à moy à la donner, mais bien à l'huyssier, luy pryant de me pardonner. Bien, donc (ce dict-il) puisque ne le me vouldes donner. La-dessus ie m'en vins à l'Abbaie à la chambre de la Royne et delivre la couverture à Marguerite, ceste jouer-la de Sabmedy estant ainssy passé, je m'en alloys me coucher.

Le Dymenche matin ie me leve à six heures, et m'en vois pormener dedans le parc, et en ung vallon ie me metz à prier Dieu, et luy demander conseil de ce faict meschant, car ie n'ay sceu trouver aultre moyen que de laisser couller l'eau du russeau qui estoit sy ord, en apres m'estant resolu, ie m'en retourne a l'Abbay, la ou ie trouve troys officiers de la Royne, et m'en allay desieusner quant et eulx, et m'en revins a neufue heures à la chambre de la Royne, la ou l'oye nouvelle que Monsr. de Morray venoit prendre son congé de la Royne pour aller veoyr Madame sa femme : moy entendant ceste parolle l'aperseu incontynent qu'il le faisoit pour se destorner de se faict meschant. La-dessus ie m'en allois me pormener Lastarik et m'en vois soubvenir des parolles que j'avoys dictes du dict Seigneur de Morray à Monsr. de Bodvel, et aussy ce qu'il m'en avoit respondu. A ceste heure-la ie dis en moy mesme, O Monsr. de Morray tu es homme de bien, pleust à Dieu que tu sceus mon cueur, je n'auray pas tant de mal que j'ay; et ayant bien pense je m'en revins à la chambre de la Royne, la ou elle alloit disner auz noces de Bastien; toutes-fois je m'en allay disner à la ville et apres disner me pormener, et estant revenu j'entendis que la Royne alloyt souper chez Monsr. d'Argylle, la ou j'estois derrier elle luy servant des-ciant, et comme elle lavoyt ses mains apres souper, elle me demande sy i'avoys osté la couverture de maytre de sa chambre au logis du Roy? Je luy dis qu'ouy; lors

les seigneurs se levent de table, donc Mons<sup>r</sup>. de Bodvel m'appelle, et me mène seul avecques luy au logis de sa mere, la ou il ne fust gueres qu'i s'en alla au logis de Lard d'Ormiston, parler à luy et à son frere Hobe, et nous prend tout troys avecques luy et s'en va à Cougait et parle à Jehan Hay et à Jehan Hepbron, qu'il trouve à la rue. Apres avoir parle à eux, il s'en va tout seul et moy au logis du Roy, et à mye chemin au logis il me dict, or sçais-tu qu'il y a, tu t'en yras à la chambre de la Royne à Kirkefield, et quand Jehan Hepbron, Jehan Hay, et le Lard Ormiston entront, et qu'ilz auront faict ce que ilz ont envie de faire, tu sortyras et t'en viendras à la chambre du Roy, ou tu t'en yras la ou tu voudras. Helas! Mons<sup>r</sup>., (ce di-je) vous me commandes ma mort. Et pourquoy (ce dict-il) te commande-je de faire quelque chose? Il est veritable, ce di-je, Mons<sup>r</sup>., mais ie sçay bien que cest ma mort. Mais dis moy pourquoy (ce dict-il) sy ie te commandois de faire ce que les aultres font, tu le pourroys dire, mais ie sçay bien que tu n'as point de cuer; une fois les aultres n'ont que faire de toy, car ilz entront bien sans toy, car ilz ont des clefz asses; il n'y a porte ceans donct ilz n'en ayent les clefz. Bien, Mons<sup>r</sup>. (ce di-ie) ie m'y en voys. La-dessus il se departe de moy et s'en vais au logis du Roy, et entre en sa chambre, la ou estoit la Royne et aucuns des Seigneurs, et ie m'en vins à la petite court, entre à la cuisine demandant une chandelle au cuysynier que j'alumis. Sur ces entre faictz voicy Jehan Hebron et Jehan Hay qui entrent en la chambre, la ou i'estois et portoys de la pouldre dedans des sacz qu'ilz mirent au milieu de la dict chambre. En ce faisant voycy Mons<sup>r</sup>. de Bodvil, qui survient et parle au eulx dysant, mon Dieu que vous faictes de bruyt, on oyt

d'enhault tout ce que vous faictes, et ainsy me regarde et me demande ce que ie faysoys, et que ie m'en allasse à la chambre du Roy apres luy, ce que je feis, et me trouve aupres de Mons<sup>r</sup>. d'Argylle, avec qui Mons<sup>r</sup>. de Bodvel parloit, et le dict Seigneur d'Argylle m'acaroyssoyt et me touche sur le dos sanz me dire mot. Et n'estant en la chambre du Roy la longueur d'une pater noster que la Royne s'en va vers l'Abbaye et monte là ou estoit les nopces, et moy ie m'en vois en ung coing la ou Mons<sup>r</sup>. de Bodvel me vint trouver, me demandant ce que j'avoys d'ainsy faire la myne, et que sy ie la faysoys ainsy devant la Royne, qu'il m'accoustroit en telle façon que ie ne fus iamais. Je ne m'en soucy pas (ce di-ie) que vous faictes de moy à ceste heure-cy, vous priant me donner congé de m'aller coucher, car ie suis mallade. Non, ce dit-il, veulx que vous veniez avecques moy; vouldes vous, laisser ces deux gentilhommes-là Jehan Hay et Jehan Hepbron? Helas! Mons<sup>r</sup>., ce di-ie, que feres vous davantage pour moy, car mon cueur ne me peult servir à telle chose? Je veulx que vous venies (ce dict-il), or bien donc Mons<sup>r</sup>. (ce di-ie) allons. La-dessus il s'en va à sa chambre changer d'habillementz et prend le tailler et moy avecques luy, et se'n va au jardin du logis du Roy, la ou le tailleur demeure à la muraille. Et moy aupres, le dict Seigneur de Bodvel s'en va à la porte du jardin, et puis revint vers nous, la ou Jehan Hepbron et Jehan Hay s'en veindrent et incontynent comme ilz avoyent parlé à luy, voyla comme ung tempeste ou ung tonnoyre qui va eslever, de la peur que j'eue ie cheus en terre les cheveulx dressés comme alaines dysant, helas! Mons<sup>r</sup>., qu'est ce cecy? Il me dicte, je me suis trouve à des enterprises grandes, mais iamais entreprise ne me feit sy grand peur que cestycy.

Je luy di, per ma foy, Mons<sup>r</sup>., de telle chose que cecy il n'en viendra iamais bien, et vous le voyres. O beste (ce dit-il) me menacent de me fraper de sa dague, mais ne la tire point. Là-dessus il commence à s'en aller bien viste, et nous apres luy, et s'en cuydoit aller per Leyth Wynd, mais il ne sceut. Il envoya donc Hepbron parler à portier pour ouvrir la porte, et qu'aussy le monde comencoyt à venir, il s'en va per derrier le Cannongait, et Jehan Hay et moy nous en allasmes la grand rue. Je disoys à Jehan Hay à telle chose que cecy n'en adviendra iamais bien. Il est vray (ce dit-il) nous avons bien offensé Dieu, mais il n'y a remede, il se faulte monstrier vertueux et prier Dieu. Helas! (ce di-je) Mons<sup>r</sup>. m'a menacé de me frapper de sa dague, mais je voudroys bien qu'il l'eust faict pour mon honneur. Paris, ce dict-il, prenes en patience, car vous congnoysses bien l'homme. La-dessus ie m'en allay coucher dans mon lict et luy au sien, mais je ne sçay ou, moy estant levé le Lundy matin envyron sept ou huyt heures, je m'en vins à la chambre du dit Seigneur de Bodvel, et incontynent qu'il me voyt il me demande que i'avoys à faire la mine? Je luy dis que j'avoys que jamais or n'y argent ne me remettroyt en point que i'estoys. Pourquoi? (ce dict-il) Porce, Mons<sup>r</sup>. que ie scay bien que je sera pris pour le principall de ce faictcy. Ha! ouy (ce dit-il) tu es bien homme que ie voudroys bien prendre pour ung tel faict. La-dessus il s'en va en bas en une chambre et m'envoye querir par le dit tailler la ou il avoit en la chambre le Lard Ormeston, Hobe Ormiston, Jehan Hepbron, Daglische, Porrey et moy.

Mons<sup>r</sup>. de Bodvel me demande que j'avoys à faire telle mine, et sy i'avoys promis quelque chose au Roy, et s'il estoit mon maistre? Non, Mons<sup>r</sup>. (ce di-ie). Et

voye-tu point (ce dict-il) ces gentilhommes qui ont terres, rentes et revenues, femmes et enfans, et ont tout vollu abandonner pour me faire service, et si tu pense avoir offencé Dieu, le peche n'est en toy, cest à moy, car je t'ay commandé, et tu ne seroys estre repris de ce faict, car ce sont les Seigneurs mesmes de ce pais, avec moy, qu'avont commis le cyrme, et vouldroys qu'il meust coste oo---escus et ne t'en avoyr iamais parlé. Per ma foy, Mons'. (ce di-ie) ie la vouldrois bien, or bien Paris il se fault monstrier vertueux, et pour toutes les irheues du monde, il ne fault rien dire, et s'y vous avez envie de vous en aller, vous vous en yres bien-tost, et du depuis ie l'ay demandé congé plus d'une demye dousaine de fois, et ne le scue iamais avoyer; et voyla tout ce que ie say touchant ce faict.



Cal. C. I. Fol. 318.

10 Aug. 1569.

*A Sanct Andre le dixieme jour d'Aoust, 1569, Nicholas Howbert dict Paris à esté interrogué sur les articles et demandes qui s'ensuyuent, &c.*

Et premierment,

INTERROGUE quant premierment il entra en credit vers la Royne. Responce que ce fust comme la Royne estoyt à Callendar allant à Glascou, qu'alors elle luy bailla une bourse la ou il avoit environ 3 ou 4 cens escus, pour la porter à Mons<sup>r</sup>. de Boduel, lequel, apres avoir receu la dicte boursse sur le chemyn entre Callendar et Glascou, luy dict que le dict Paris s'en allast avecques la Royne, et qu'il se tint pres d'elle, et qu'il regardast bien à ce qu'elle feroit, luy dysant que la Royne luy donneroyt des lettres pour les luy porter; la Royne estant arryué à Glascou luy dict, je t'envoye-ray à Lislebourg, tiens-toy prest, et ayant demeure la deux jours avecques la dict dame, laquelle escript des lettres et luy les baille, dysant, vous dires de bouche à Mons<sup>r</sup>. de Boduel qu'il baille ces lettres qui s'adressent à Mons<sup>r</sup>. de Ledington à luy mesmes, et qu'il parle à luy, et voyes le parler ensemble et regardes la façon de faire, et quelle mine ilz feront, car c'est, ce disoyt-elle, pour savoyr lequel est meillieur pour loger le Roy à Craigmiller ou à Kirkafeild, affin d'avoyr bon air; car, s'il logoyt à l'Abbaye, le Prince pourroyt bien prendre sa malladie, à cause que ses serviteurs ne pourroyent leur en garder d'aller veoyr le Prince: en oultre qu'il

dict au dict de Boduel que le roy la voulloyt baiser, mais elle ne pas voullu de peur de sa malladye, chose que Reress en tesmoigneroyt bien. Et plus (ce dict-elle) vous dires à Mons<sup>r</sup>. de Boduell que je ne va jamais vers le Roy que Reress n'y est, et voyt tout ce que je fais. *Item*, la Royne luy dict, Paris hastes-vous de revenir, car je ne bougeray dicy jusques au temps que vous m'aures raporté la response.

Estant le dict Paris arryvé à Lislebourg trouve le dit de Boduel en son logis à l'Abbaye, lequel luy dist, ha ! Paris, tu es le bien venu. Mons<sup>r</sup>., ce dict-il, voycy des lettres que la Royne vous envoie, et aussi à Mons<sup>r</sup>. de Liddingtoun, vous pryant de les luy delivrer, et que je vous vis parler ensemble, pour veoyr vos façons de faire, et comment vous vous accordies ensemble. Fort bien, ce dict-il, car j'ay ce jourdhuy parlé à luy, et luy a donné une haquenec. Le lendemain le dict Paris dict qu'il vint au logis du dit de Boduel par troys foyes le chercher à 8, 9 et 10 heures, et ne le sceut jamais trouver, mais à la fin Powrye le portier luy dist, qu'il l'allast chercher à la haulte ville, que peraventure il le trouveroyt en quelqz lieu au conseil, et l'ayant cherché il voyt venir une troupe de gens de vers le Kirkafeild, la ou estoyt le dict Seigneur de Boiduel et Mons<sup>r</sup>. Jacques Balfour, coste a coste ensemble, lequelz s'en alloyent disner au logis du dict Mons<sup>r</sup>. Jacques. Le dict Paris prya Mons<sup>r</sup>. de Boduel de le despescher vers le Royne. Apres disner (ce dict-il) je le feray; et quant il retourna querir sa despesche apres disner, il trouve le Seigneur de Boiduell et le dict Mons<sup>r</sup>. Jacques seulz teste a teste en une chambre, et le dict Seigneur de Boiduel qui escrivoit de sa propre main, et apres avoyr faict, il dist à Paris, voyla ta responce, retourne t'en à la Royne et me recommends bien humblement

à sa bonne grace, et luy dictes que tout yra bien, car Mons<sup>r</sup>. Jacques Balfour et moy n'avons dormis tout la nuyte ains avons mis ordre en toute, et avons apreste le logis, et dictes à la Royne que je luy envoie ce dyamant que tu luy porteras, et que s'y j'avoy mon cueur je le luy enverraye tresvullentiers, mais je ne l'ay pas moi. Va t'en à Mons<sup>r</sup>. de Ledington et luy demandes s'il veult rescrire à la Royne, ce que le dict Paris faist, et le trouve à la chambre des comptes, et luy demande s'il plasoyt rendre la response aux lettres de la Royne que Mons<sup>r</sup>. de Boduel luy avoyt bailles. Ouy (ce dit-il) et la-dessus il prend du papier incontinent et escript, et ayant faict le dict Paris luy dict que la Royne l'avoyt commande de luy demander lequel des deux logis seroyt le millieur pour le Roy, car elle ne bougeray dela jusqu'à ce qu'il l'auroit raporté sa responce. Le dit Letingtoun luy respondit que le Kirkafeild seroyt bon, et que le dit Seigneur de Boduel et luy avoyent advise ensemble la-dessus. Ainsy le dict Paris partit pour son aller à Glascou vers la Royne; et estant de retour à Glascou et avoyr faict son messaige qui luy estoyt donné des diz Seigneurs de bouche, la Royne luy demande s'il avoyst veu parler Messieurs de Boduel et Lethingtoun ensemble; dict que non, mais que Mons<sup>r</sup>. de Boduel luy avoyt dict qu'ilz avoyent parlé de bon vysage ensemble, et que le dict Sieur de Lethingtoun estoyt du tout à luy, et que le logis estoyt prest. *Item*, comme elle retournoyt de Glascou vers Lislebourg avec le Roy à Kallendar, il s'adresse ung homme de Mons<sup>r</sup>. de Boduel au dict Paris et luy baille une lettre pour la presenter à la Royne, ce qu'il feist, laquelle luy demanda s'y l'homme estoyt seur. Je pense, ce dit-il, Madame qu'il n'eust voullu vous envoyer homme qu'il n'en fust seur. La-dessus en s'en allan

coucher elle rescript une lettre, et y meist dedans ung anneau et la luy bailla pour la bailler au dict homme porteur, chose qu'il feist, pour la rapporter au dict Sieur de Boduel; apres le Royne et le Roy estaus à Lythkow, elle dict au dict Paris qu'il vouloit mettre Guilbert Courlle vallet de chambre ches le Roy, pour ce qu'il estoyt de bon esprit, affin de veoyr ce que le Roy feroyt, car elle ne ce fyoyt point à Sande Duram. Du dict lieu Jehan Hay fust par elle despesché vers Mons<sup>r</sup>. de Boduel, auquel elle parla asses long temps, en apres aussy Paris avec des brasseletz au dit Sieur Boduel (le dict Paris arryvent à Lislebourg luy baille les brasseletz) lequel Sieur estoyt prest de monter à cheval pour aller trouver le Roy et la Royne, avec lequel le dit Paris retourne au devant du Roy, lequel ils conduyrent jusques à son logis à Kirkaseild.

Interrogué s'il savoyt aucun priveauté entre la Royne et Mons<sup>r</sup>. de Boduel durant le temps que le Roy gysoit à Kirkaseild: respond, que Mons<sup>r</sup>. de Boiduel luy avoit dict que toutes les nuytz Jehan Hepbron feroyt le guet soubz les galleries à Sancte-croyx, cependant que lady Reress yroyt bien taird le querir pour l'amener à la chambre de la Royne, luy deffendant, assavoyr à Paris, sur la vie de ne dire que sa femme estoyt avecques luy.

Interrogué s'il savoyt de l'entrepris du meurtre du Roy depuis son arryvement à Kirkaseild jusques au jour de l'exécution: respond, que non aultrement que ce qu'il en a desia déposé en sa desposition faite le neuvieme de ce moys, en adioustant que le jour que Mons<sup>r</sup>. de Boduel luy avoyt communiqué le faict de meurtre du Roy, qui fust le mesme jour que la Royne couchast au logis du Roy à Kirkasfeld, (ainsy comme il y en souvient fort bien) et comme le dit Paris vouloyt dresser le liet de la Royne en sa chambre qui estoyt

droyt soubz la chambre du Roy, ainsy que Mons<sup>r</sup>. de Boduel luy avoyt commandé lors qu'il parloyt avecques luy au trou la ou il le destaschoyt pour faire ses affaires, le dict Sieur de Boduell deffendist au dit Paris de ne dresser le liect de la Royne droict soubz le liect du Roy, car je y veulx mettre la pouldre en cest endroyt-là ce dit-il. Et ceste mesmes nuyt-là apres que le liect fust dressé en la chambre de la Royne; ce que je fis au mesme endroyt la ou il me fust deffendu par le dict de Boduel, la Royne me dist, sot que tu es, je ne veulx pas que mon liect soyt en cest endroyt-là, et de faict le feist oster: par lesquelles parolles j'ay aperseu à mon esprit qu'elle avoyt cognoyssance du faict. La-dessus je prins la hardiesse de luy dire, Madame, Mons<sup>r</sup>. de Boiduel ma commande luy porter les clefs de votre chambre, et qu'il a envie de y faire quelque chose; c'est de faire saulter le Roy en l'air par pouldre qu'il y fera mettre; ne me parle poynt de cela ceste heure-cy, ce dict elle, fais en ce que tu voudras. La-dessus je ne l'osoys parler plus avant. A ceste heure-cy je commence à consyderer que j'estoys employé en ce faict meschant, auparavant par parolles couvertes et desguysees estant envoyé de Glascou vers Mons<sup>r</sup>. de Boiduel, pour scavoyr lequel des logis estoyent le meilleur, et par ce aussy qu'il m'a respondu alors, quant il me renvoye vers le Royne, vous la dires, sy elle vous demande ce que je fais, que j'ay veillé toute ceste nuyt et Mr. Jacques Balfour, pour aprester le logis du Roy. Estant interrogué sy la Royne passoyt plus oultre ceste nuyte sur ce purpos, la dict que non, mais le pressoyt apres plus fort que jamais de parler à elle de purpos de Mons<sup>r</sup>. de Boduel de sa femme et de aultres choses. Et estant couchee ne dormoyt point toute le nuyte, ains escryvoyt des lettres au dict Sieur de



Boideul, et les envoie par le dict Paris au Sieur de Boduel, envyron onze à douze heures de nuyt, mais riens de creance. Et ayant delivré ceste lettre au dict Sieur de Boduel, il rescript estant au lict et en baillant la responce au dit Paris, il luy dict, dictes à la Royne que je ne dormiray point que je ne escheve mon entrepris, quant je deburoys trayner la picque toute ma vie pour l'amour d'elle.

Et estant de retour vers la Royne Vendredy au matin, luy ayant raconté ces mesmes parolles que luy avoyt dictes Mons<sup>r</sup>. de Boiduel, Et bien, Paris (ce dict-elle en ryant) il n'en viendra jamais sy Dieu plaist à ce poynt-là, et ce dysoyst-elle estant au lict. Et comme elle s'abilloyt le dit Paris prend les deux clefs de la chambre de la Royne selon le commandement du dit Sieur de Boduel, et les luy aporte. Lequel ayant faict sortir toute le monde de sa chambre, prend le clef d'ung coffre qu'il avoyt en sa pochette, et apres avoyr ouvert le dit coffre, en tire des aultres clefs contrefaicts toute neufues, et en regardant les unes apres des aultres, dict à Paris, ha! ouy, elles sont bien; raporte celles-là, et il remeist les contrefaictes dedans le coffre.

Estant interrogué s'il scavoyt qui avoyt fait et baille les clefs contrefaictes au dit Sieur de Boduel: respond, qu'il n'en savoyt rien, sy non que le dit Sieur de Boduel luy dist qu'il avoit toutes les clefs des portes de ce logis-là, et que luy et maistre Jacques Balfour avoyent esté tout une nuyt pour chercher et savoyr la meilleure entree, comme il a desia déposé; mais cependant que le dict Paris estoyt absent avecques ces clefs, Archibald Bethon, huyssier, demande les clefz pour laisser sortir la Royne au jardin, et ne les pouvant trouver, la Royne en fust fasché, et dict tout haut à Paris à son retour, Paris pourquoy aves-vous emporté



les clefs de ma chambre, lequel ne luy respondit mot sur l'heure; mais apres la trouvant a part luy dist, ha! Madame, pourquoy m'aves vous dict devant le monde que j'avoys pris les clefs de v<sup>otre</sup> chambre, voyant que vous sapes bien le pourquoy. Ha! ce dit-elle, Paris c'est tout ung; ne te soucy, ne te soucy; et d'autant qu'il en pourroyt avoyr bon souvenance il dict, que ce Vendredy la nuyt la Royne coucha encores au logis du Roy, et luy renvoya derechef porter des lettres au dict Sieur de Boduel.

Interrogué s'il avoyt rien entendu de ce propos le Sabmedy au matin: respond que non, sy non que la Royne deist en presence de ceulx de sa chambre qu'il y avoyt eu quelque querelle entre le Roy et Mons<sup>r</sup>. de Sancte Croix, lequel avoyt bon moyen à ceste heure-la de tuer le Roy, car il n'y avoyt en la chambre alors qu'elle pour les departir; et dict oultre qu'apres disner le dict Sieur de Boduel luy commande de prendre la clef de la chambre de la Royne, chose qu'il n'avoyt envie de faire, mais comme la Royne sortoyt de sa chambre elle le regarde, et luy commande de prendre la dit clef. Et au soyr la Royne estant à l'Abbaye, elle envoie le dit Paris vers Mons<sup>r</sup>. de Boduel, luy commandant luy dire de bouche; alles vous en à Mons<sup>r</sup>. de Boduel et luy dictes, qu'il me semble qu'il seroit le mieulx que Mons<sup>r</sup>. de Sancte Croix avec Guillaume Blakatre allent à la chambre du Roy, faire ce que le dict de Boduel sçait, et qu'il parle à Mons<sup>r</sup>. de Sanct Croix touchant ce purpos, car il seroyt myeulx ainsy qu'aultrement, et pour ce n'en seroit qu'ng peu prisonnier dedans le chasteau. Apres avoyr le dict Paris racompté ce faict à Mons<sup>r</sup>. de Boduel il luy dict, je parleray à Mons<sup>r</sup>. de Sanct Croix, et puis j'yray parler moy mesmes à la Royne. Le dit Paris n'a souvenance

d'aulture chose que se feist ce jour-là, mais le reste est contenu en sa premier deposition jusques à ce que la Royne arryva en l'Abbaye, et Mons'. de Boduel s'estant aussy retiré en sa chambre avec le dit Paris, survint Mons'. de Honteley, en compaignye de deux ou troys serviteurs, et ce par le chemin derrier l'Abbaye qui menie droyt au logis de feu Mons'. de Ruthuen; et apres qu'ilz avoyent parlé en l'oreille ensemble, comme Mons'. de Boiduel avoyt desia commence de changer ses habillementz, le dict de Boduel deist apres au dit Paris, que Mons'. de Honteley s'estoyt offert d'aller avecques luy, mais qu'il ne le voulloyt mener. Quant et luy, et apres que Mons'. de Honteley se fust party pour aller coucher, le dict de Boduel prend le tailler et Paris avecques luy, comme il est dict en sa premiere deposition.

Le Lundy matin entre neuf et dix heures, le dict Paris dict qu'il entre dans la chambre de la Royne laquelle estoyt bien close, et son liect la tendu du noyr en signe de deuil, et de la chandelle allumer dedans ycelle la ou Madame de Bryant luy donnoyt à desieusner d'ung oeuf frais, la ou aussy Mons'. de Boduel arryve et parle à elle secretement soubz courtine. Ce jour-là Lundy, se passe ainsy sans ce que le dict Paris parle à elle. Mardy au matin elle se leuc, et le dict Paris estant entré en sa chambre, la Royne luy demande, Paris qu'as-tu? Helas! ce dict-il, Madame, je voys que chascun me regarde de costé. Ne te chaille, ce dict-elle, je te feray bon vysayge, et personne ne t'oseroyt dire mot. Cependant elle ne le dict chose de consequence jusques à ce qu'elle voulloyt aller à Seton, alors elle luy demandast de prendre une cassette ou il y avoyt des corceletz d'escus que le thresorier luy avoyt aporté de France, pour la porter à la chambre de Mons'. de

Bodeul, qui estoit à ceste heure-là logé dedans le pallays, au dessus de la chambre la ou ce tenoit le conseil; et puis apres luy commandast de prendre son coffre des bagues et le faire porter au chasteau, et le delyvrer entre les mains du Sieur de Skirling, pour lors cappitaine soubz Mons'. de Boduel, chose qu'il feist; en apres elle voyant le dict Paris tout fâché, elle pressoyt souvent de faire service à Mons'. de Boduel, ce qu'il n'avoit envie de faire, ains demandoit souvent son congé, et voyant cela à la parfin elle luy dict, Paris, alles-vous consoller avecques Mr. Jacques Balfour; cest ung homme d'esprit, je m'y suis consolle par plusieurs foys et me consolle de present.

*Item.* Interrogué du premier pryvéauté qu'il a cogneu estre entre la Royne et Mons'. de Boduel: respond, que c'estoyt alors que le dit de Boduel conduysoit la Royne vers Glascou, quant elle alloyt querir le Roy. A Callender apres super assez tard Lady Reress vint à la chambre de Mons'. de Boduel et voyt le dict Paris la, et demande que faict ce Paris icy. Cest tout ung, ce dict-il, Paris ne dyra chose que je luy deffend de dire, et la-dessus elle l'amene à la chambre de la Royne: cecy cestoyt le soyr devant que le lendemain la Royne l'envoya la bourse par Paris au dict Sieur de Boduel.

*Item.* En oultre il dict et declare, qu'envyron le temps que le dict de Boduel fust faict Duc, la Royne lui baillast le buffet et vesselle de l'argent<sup>1</sup> de Monsieur

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<sup>1</sup> This was the silver font, or bason and ewer, which Elizabeth had presented as godmother, at the baptism of the prince. Paris adds, that it was sent to Sir James Balfour, between the 12th and 14th of May, in order to get the prince's arms effaced, and the *duke's* arms engraved in their stead. Accordingly, on the 12th of June, the font was actually

le Prince la ou estoyt ses armoyries pour la porter à Monsr. de Bothuile, lequel luy dict que cestoyt pour en faire oster la marque de Prince et y mettre la sienne, ce qu'il delyvra à ung qui a espousé une Marguerite Hepbron (mais il ne scait bonnement son nom) lequel comme il luy dict il le debuoyt bailler à Mr. Jacques Balfour pour le faire faire.

*Item.* Il dict et confesse que la nuyt auparavant que la Royne fust ravie et enlevée du dit Sieur de Boduel, que Monsr. d'Ormistoun vint parler à la Royne bien secretement à Lythiquow : la-dessus la Royne escript une lettre par le dict Paris et par ce qu'il ne scavoyt bien le chemyn, la Royne le feist conduire par le dict Ormistoun chez Monsieur de Halton, la ou le dict Sieur de Boduel estoit en bonne compaignie, et mesmes les capitaines couchés auprès de luy et d'autres ; et trouvant le dict Sieur de Boduel endormy la veille et luy dict, Monsieur, voila des lettres que la Royne vous envoie. Et bien, Paris, ce dit-il, couche toy la ung peu ; cependant je m'envoys escrire, et apres avoir escript il dict au dit Paris, recommande me humblement à la majestie et luy dictes que j'yray aujourd'huy la trouver sur la chemyn au pont.

*Item.* Estant interrogué s'il savoyt pourquoy Joseph s'en alla de ce pays : respond, que la Royne luy dict,

found by the confederate lords, in the possession of Acheson the mint master, to whom it had been sent, not, as they supposed, to be coined into money, but to have Bothwell's arms substituted for those of the Prince. See Beton's letter, Appendix, No. X. The silver font, or bason and ewer, presented by Elizabeth, was very lately preserved in the Mar family, and was a piece of costly and curious workmanship.

Paris il fault que tu controuves quelque chose en ton esprite pour faire peur à Joseph, affin qu'il s'en aille : et voyant qu'il ne pouvoyt rien faire elle luy dict, je feray faire une lettre que tu perdras derrier luy pour luy faire peur ; mais luy ne pouvant ce faire elle le feist dire par le justice clerk, comme il peust, qu'il eust à comparoistre au parlement, chose qu'il l'affrayast grandement, et courut ça et la demandant son congé, enfin la Royne baille neuf vingtz escus à Paris pour les bailler à Joseph, affin qu'il s'en allast, ce qu'il feist, et ainsy ayant receu la dict somme il s'en alla.

*Item*, dict, que Jehan Hay souvent apres la mort du Roy le conseylloyt et le confortoyt bien, et qu'aulture ne le consolloyt, sy non que souvent comment Mons<sup>r</sup>. de Honteley le voyant deffaict, le demandoyt, Paris, qu'as tu ?

This is the trew copy of the declaration and deposition of the said Nicholas Howbert als Paris, quhairof the principall is markit every leif with his awin hand. And the same being red againe in his precence, he avowit the same, and all partes and clauses thairof to be undoubtedlie trew.

Ita est Alexander Hay, scriba secreti consilli S. D. N. Regis ac Notarius Publicus.



No. XXVII. Vol. II. Page 23.

*Confession of the Laird of Ormiston, who was  
executed for the Murder of Darnley.*

The Castell of Edinburgh, 13th of December, 1573.

THE quhilk day John Brande, minister at Hallyruid-  
house, being sent to the laird of black Ormistoune, to  
give him comfort be the promiss of God's word offereit  
to sinners, and als wa to requyre the said laird to glo-  
rifie God in shawing of the truth, &c.; after lang con-  
ference, and prayers made, above the space of ane  
hour, or theirby, the said John Brand minister said  
unto him, Sir, althocht I am trewlie persuadit that the  
haill trewth ye have shawen me of this matter, yit,  
because divers and greater doubts are passit of you,  
and also the memorie of men are bot weak, theirfoir,  
gif ye thought guid, I wald wryte certaine of they things  
briefeley that you have spoken; quha answerit meiklie,  
for God's saike doe the samen; wreit even as I shall  
speike. As I shall answer unto God, with whom I  
hope this night to sowp, I shall declaire unto you the  
haill, from the beginning unto the end of my pairt.  
First, I confess that the earle Bothwell shew that samen  
wickit deid unto me, in his own chalmer in the  
abbey, on Fryday before the deid wes done, and re-  
quyred me to take pairt with him therein, because, as  
he alledged, I wes ane man of activeness, (alace their-  
for!) quhair I utterly refuisit, and said, God forbid,  
bot, gif it were upon the field, to fight with your Lo.  
unto the death, I sould not feir my skinn cutting.  
Then the said earle said unto me, tuishe, Ormistoune,

Anderson's  
MSS.



ye need not take feir of this, for the haill lords hes concluded the samen langsyne in Craigmiller, all that wes ther with the quein, and nane darr find falt with it quhen it shall be done. Efter the quhilk, I departit hame to Kaitis Tames, quhilk was Thomas Henderson's house in Edinburgh, for his mother was called Kait: being in part seik, I lay down in my bed, and lay all Saturday, chieflie for that cause, beleivand that way to have put off that evil hour; and swa I knew na farder of it quhill Sunday at night, quhere I being in my chalmer in the Black Frier Wynd, gangand beltit in ane gown, John Hepburne and John Hay of Talla come unto me, and said the quenis grace and lords are past up to sie the king, and my lord is standand at the Black Frier Wynd fute, and bids you cume to him incontinent; quhere I layd my gown from me, and tuik ane ryding clock, because I beleivit all had bein weill anewche now agreit, seing they had passit up to visit him; and cuming at the first I mist the said earle, for he had comiten upe anuther closse to seik me himselve, in my awn chalmer, and thair he fand my cousing Hob, quhom he brought with him, and thairafter met togidder in the middis of the Wynd, wha tuike me againe, and we all passit up to the Freier Yaird, through the slape, quhair Pareis and Archie Betoun com and met us, and said all wes ready preparit for the setting of the lunt; and they all enquiryt how it sould be set to; and, after diverse speakingis, I said, take ane piece of lunt of thrie or four inch lang, and kindle the ane end of it, and lay to the cald end, and it wald burn syne to the train, and swa will blaw up; efter the quhilk, the queine passing hame, the erle Bothwell said, speid, and clois all the duris, for they had 13 fals keys of the lodging maide, and givin,

as they said to me, be him that aught the house. Efter the quhilk I departit incontinent, and came not nearer, as I shall answer befor God, nor the duir ; and as I was cumand hame it strake ten hours, wher then I pasit to Katis Tames hous, to avoyd suspitioun, that na man sould say I was at the deid doinge, for I was an hour and mair in my bed or the blast and crack was. Being requyrit be the said minister, gif he knew not that the king was utherways handilit be menes handes, for it is comonlie spokin he was brought furth and wirryit, quha anserit, as I sall answer to my God, I knew nothing but he was blawin up ; and did enquyre the samyn maist dilligentlie at John Hepburne and John Hay, and all that tarreit behind me, quha swore unto me, they never knew nae uther thing bot he was blawin up ; and swa I think it was ane work done be God for the punishment of money wickit men, quhairof I am ane, and ane great siner before God, for the quhilk I ask God mercy.

Thirdly, Being requyrit, gif he knew na farder hereafter, anserit, at the pasche thairafter, when the bruite begouth to rys upon us, and all cryit, ane vengeance upon them that slew the king, it prickit my conscience, and I come unto the erle Bothwell in his chamber, and said to him, quhat devill is this now, my lord, that every body suspectis you of this deid, and cryes, ane vengeance for the samen, and few or no uther spoken of bot yow. Aneuther thing you said to me : quha anserit, I sall let you sie sume thing that I had for me ; quha lute me sie ane contract subscriyvit be four or fyve handwrittes, quhilk he affirmit to me was the subscription of the erle of Huntlie, Argyll, the secretar Maitland, and Sir James Balfour, and alleaged that mony mae promisit, wha wald assist him gif he were

put at; and thairafter read the said contract, quhilk, as I remember, conteinit thir words, in effect: "That, for samikle it was thought expedient and maist profitable for the commoun wealth, be the haille nobilitie and lords undersubscrivit, that sick ane young fool and proud tirrane sould not reign nor bear reull over thame; and that for diverse causes, thairfoir, that thays all had concludit that he sould be put off by ane way or uther, and quhosoevir, sould take the deid in hand, or do it, they sould defend and fortifie it as thaimselffis, for it sould be every ane of their awin, recknit and halden done be thaimselffis." Quhilk writting, las said earl shew unto me, was devysit be Sir James Balfour, subscrivit be them all ane quarter of ane year befor the deid was done; after the quhilk I never spake to the said earle of it quhill the day he gate his assyse, quhaire the said earle standing at the barr, luiking doun sad lyke, I plukit upon him and said, fye, my lord, what divill is this yee are doand. Your face shawes what ye are: hald up your face, for Godis sake, and luik blythlie; ye might luike swa and ye were gangand to the deid. Allace, and wo worth them that ever devysit it, I trow it sall garr us all murne: quha ansrit me, had your tongue; I wald not yet it wer toe do: I have ane out gait fra it, cum as it may, and that ye will know belyve.

Forder, the tyme when my brother was hurt be the laird of Seffaird, first com word to me that they war slayne, and then thair came ane bill from thaimselffis, and said they wer onley hurt, and wald not die; but ane thing did them mair evill than the hurting, viz. that ane commoune bruit was risen, that I was at the king's slaughter, and thairfoir disirit me to get sume guid way to purge myselfe, that it pass na farder, or

else ye have done with it ; quhilk bill I tuike and gave to the erle Bothwell, wha tuike it and gave it to the quein, and she tuike it and read it, and gave it to the erle Huntlie, thair present, wha read it, and thair-after turnit unto me, and turnit her back, and gave an thring with her shoulder, and passit away, and spake nothing to me. This is the hail thing I know, ather affoir or eftir, as I sall ansuer to my God, with whom I hope to supe. Efter the quhilk being inquyred, gif ever the quein spake unto him at any tyme, or gif he knew what wes the quenis mynd unto it, ansrit, as I shall ansuer to God shoe spake never to me nor I to hir of it, nor I know nathing of hir part but as my lord Bothwell shaw me ; for I will not speike bot the trewth for all the gold of the earth, quhilk I desyre you, guid minister, bear record hearof as ye have written, quhilk I pray yow read over to me : let me alswa see it ; quhilk I did affoir Archibald Dowglass constabill of the castell, and George Towers of Bristo, with uthers divers gentlemen and servants being in the chalmer, quhilk beand done, he said, for God's saike, sit down and pray for me, for I have bein ane greit sinner utherwyse, for the quhilk my God this day is punishing me ; for of all men on the earth, I have bein ane of the proudest and heich myndit, and maist filthie of my body, abusing myself dyvers ways. Bot specially I have shed innocent blood of ane Michael Hunter with my awin hands : allace theirfoir, because the said Michael havand me lyeing upon my back, haveing ane fork in his hand, myght have slayne me gif he pleasit, and did it not, quhilk of all things greives me maist in conscience : alswa in a raige I hangit a poor man for an horse ; with mony uther wickit deids ; for the quhilk, I aske my God mercy, for its not mervell that I

have bein wickit, for the wickit companie that ever I have bein in, bot speciallie within thir seaven yearis bypast, quhilk I never saw twa guid men or ane guid deid, bot all kind of wickedness ; and yit my God wald not suffer me to be lost, and hes drawen me from them as out of hell, and hes given me lazer and space, with guid companie, to repent, for the quhilk I thank him, and is assurit that I am ane of his elect.

Thir words, with mony mae, cryand continually unto his God, even to the very end, cryand, my Lord Jesus, sweit Jesus, have mercy upon me, as you have had upon uther sinners, in sick sort, that he was, to the appearance of man, ane of the maist penitent sinners that hes bein sein this lang tyme, and mey be comptit ane example of God's mercies to all penitent sinneris.

## No. XXVIII. Vol. II. Page 38.

“LORD HUNSDOWN writes to Cecil from New-Anderson's  
castle, 7th Sept. 1569, that he heard for truth that Led-Notes from  
ington was apprehended and committed to ward the 3d the State  
instant, being accused of several articles of treason.” Paper  
Office.  
7Sept.1569:

“In another letter, from Alnwick, 8th Sept. 1569, 1d.  
he says, this morning came to me this packet which I 8Sept.1569.  
send you herewith, with a letter to myself from the  
regent, whereby I find that my advertisement of Led-  
ington is true. James Bawfur was taken out of Fife  
with sixteen horsemen and harkebusiers. They are  
accused by one Crawford, a servant of the Earl of  
Lennox, to be consenting, aiding, and devisers of the  
murder of the Lord Darnley, and I think Paris, who  
was lately executed, hath affirmed no less.”

From the two letters in No. XXVI, it appears that  
Elizabeth had received immediate notice of Paris's  
Confession on the 9th and 10th, as her letter to prevent  
his execution arrived at Berwick on the 23d, and  
reached Murray on the 24th of August, eight days after  
his execution on the 16th. A packet from Lady Lennox  
is also mentioned, to which the conclusion of Mur-  
ray's letter alludes, viz. “that the testimonie sall not  
seame doubtful, neyther to thame quho be nature hes  
graitest cause to desyre condign punishment for the  
said murther.” Murray's letter was written about the  
end of August; and we must conclude that Crawford,  
one of Lennox's dependents, accused Lethington on  
the 3d of September, in consequence of instructions  
contained in Lady Lennox's packet, sent on the first in-  
formation of the discoveries made by Paris. Crawford



was the gallant Captain Crawford of Jordanhill, so distinguished afterwards by taking Dumbarton castle; and the accusation was probably instigated by Cecil, to crush Lethington's busy intrigues for Mary's divorce, restoration, and marriage with Norfolk. That the delay of the trial was not collusive, appears from the following facts which *honest* Goodall, who quotes Murray's speech, has suppressed in order to vindicate Bothwell, by representing the whole as a mere artifice for the preservation of Lethington, the regent's associate in the murder. Goodall, i. 397.

“ Upon the 21st of November, the day appointed for Lethington to underly trial, and the verdict of an assize, many noblemen and gentlemen repaired to Edinburgh whom he had written for to maintain him as he pretended in his innocency and just cause. His friends were all that were unfriends to the king or privy to the murder, all the Hamiltons, Huntley, Argyle, Athol, Seton, Boyd, Livingston, Fleming, and the Hepburns. Hume came with the Hepburns and other friends to Edinburgh, and Athol, Huntley, and the Hamiltons came to Linlithgow; who being charged be the regent to come no nearer, stayed. The Earl of Morton, with three thousand, lay at Dalkeith, waiting till the regent sent for him. Lethington, confident in the power of the other faction, which was strong, notwithstanding that Norfolk was committed to prison, urged trial, and bragged of his innocency. The regent finding the convocation of his friends and followers so great by expectation, sent for the chief noblemen in the town, to whom he made an oration, as after followeth to this sense: For as meikle as, when ye interprised the revenge of the king's slaughter, I was in France, where ye sent to me, and desired me to come home, and take

upon me the regiment, ye caused me take an oath that I should to the uttermost revenge the murther of the king, and ye on the other part did swear to fortify me ; now there is a gentleman accused of the same murther, and I purposed to take trial, but ye having conveyened to hinder justice, wherefore ye shall understand that I will continue this day of law till another time. If he be clean, he shall suffer no harm, but if he be found guilty, it shall not ly in your hands to save him. So the day of law was continued, and deferred to another time." Calderwood, ii. 146. MS.

## No. XXIX. Vol. II. Page 50.

*Copy of the K. of Denmark's Letter to the K. of Scots, 30 October 1567, for answer of his touching the delivery and sending into Scotland of the Earl Bothwell.*

*Fredericus Secundus &c. Dom Jacobo Scotorum Regi &c. consanguineo et fratri nostro Charissimo salutem &c.*

Paper  
Office.

SERENISSIME princeps consanguinee et frater charissime, reddidit nobis die xv hujus mensis literas serenitatis vestræ, ultimo Septembris Strivilengi scriptas, præsentium exhibitor, fecialis vester, quibus nos de miserabili casu illustrissimi principis domini Henrici Scotorum Regis Patris serenitatis vestræ bonæ recordationis iterum certiores fecit, ac comitem Bothwallum non ita pridem a prefecto nostro in Norvagia captum quem crudelissimæ cædis illius reum et authorem fecit, ad supplicium deposcit, eumque sibi a nobis dedi, et si ita nobis videatur tempus certum constitui petit, quo is nostra ex jurisdictione in Scotiam reduci et pæna adfici possit. His nos amice jam respondemus, nos, sicut superioribus literis nostris testati sumus, tragicum istum, et plane miserandum casum optimi principis tanto majore cum animi dolore percepimus, quanto magis nota fuerant omnibus, serenitatis ipsius varia, et animi et corporis dona et ornamenta, præsensque serenitatis vestræ ætas, et rerum in Scotia status, parentem et mo-

deratorem talem requirere videbantur. Ideoque pro communi nostra regnorumque nostrorum necessitudine, mortem Christiani et vicini regis et vicem serenitatis vestræ et universæ reipublicæ Scotiæ, quæ non leve inde incommodum percepit, vehementer dolemus et deploramus, ac Deum precamur, ut Serenitatis vestræ imperium, ea præsertim ætate susceptum, lætioribus auspiciis promoveat confirmetque, ac presentibus tandem regnorum tumultibus, remedium tempestivum adhibeat.

Quantum vero ad comitem Bothwallum pertinet, Cognovimus eum nuper cum in regno nostro Norvagiæ vagaretur, et non nullam suspicionibus causam præbuisset, cum navibus sociisque a nostris captum, et in castrum nostrum Bergense deductum, indeque in Regnum nostrum Danicæ transmissum esse: is si cædem istam aliaque de quibus scribat Serenitas vestra, horrenda flagitia commisit, dignus profecto foret in quem pro scelus atrocitate graviter animadverteretur. Intelleximus autem ex relatione nostrorum se cum de his argueretur, purgandi sui causa plurima in medium adduxisse ' inter cætera purgationem ejus, cujus insimularetur, criminis, in Scotia a se legitime factam, ideoque in decisorio judicio per sententiam absolutam, se Regem Scotorum, serenissimam Regiam, *consanguineam nostram, conjugem suam*, contrariam factionem subditos rebelles asserens, *nec ullam hac in causa Reginæ accusationem intervenire.*

Cumque ea cum literis Serenitatis vestræ, et narratione fæcialis ejusdem, cui nihil certe derogandum esse duximus, plane non convenirent, negotium vero ipsum maximi ut apparebat momenti et prejudicii, altiore indaginem, maturamque deliberationem postulare videretur, minime nobis committendum esse judicavimus,

ut in causa de cujus circumstantiis et forma nondum penitus nobis constaret, certi aliquod decerneremus.

At autem ex sententia Serenitatis vestræ, nostra ex potestate et custodia, in Scotiam abducendum Bothwallum tradi permittamus, eo difficultatem aliquam inesse, nec sine labefactione regiæ jurisdictionis nostræ, prestari jam posse visum est. Ideoque latius nobis de eo deliberandum, memorato vero Serenitatis vestræ feciali, cui prosecutionem hujus causæ, et rei accusationem commissam esse, literæ Serenitatis vestræ testabantur, potestatem fecimus, in proximo procerum nostrorum conventu legitimo judicio contra eundem experiundi, disceptandique. Cumque is propter alicujus temporis moram, quam ob instauratam expeditionem nostram Sueticam, et quorundam consiliariorum nostrorum absentiam intervenire oportuit, reditum ad Serenitatem vestram maturaret; præsertim quod se in itinire adversa tempestate impeditum quereretur, existimarem officio nostro regio, et Serenitatis vestræ expectatione, nos in hac parte jam satisfacturos esse, si comitem Bothwallum, tuta et arctiori in custodia, tantisper apud nos asservandum demandaremus, donec de negotii istius circumstantiis legitime edocti, hoc decernere posimus, quod ex juris et equitatis norma, mutuorum fæderum ratio, ac res denique ipsa postulare videatur et requirere: quod cum diligenter curaturi simus, omnino confidemus Serenitatem vestram hanc responsionem nostram benigne accepturam, inque solita apud nos benevolentia perseveraturam esse. Cui valitudinem prosperam et felices salutarium consiliorum successus ex animo precamur. Ex Regia nostra Hostenia xxx December 1567.

*Three Letters from Elizabeth to Frederick King  
of Denmark for the delivery of Bothwell.*

*Elizabetha Dei gratia, &c. Frederico Danicæ, &c. salutem.*

Principes legibus esse solutos verum quidem est, et constat inter omnes: at vero legibus tamen sese alligatos profiteri, et ex earum præscripto vivere, et oratio Regibus digna, et res est omni Principatu major. Ac quoniam in sublimi hoc dignitatis gradu Serenitatem vestram Deus constituit, ut populis legitime imperaret, et exemplo præsetter, libenter sane fecimus, ut in justissima et communi omnium regum causa, tuæ Serenitatis ut humani et justî principis æquitatem interpelleremus. Est enim si cujusquam, certe regum munus et officium, regum vitas (in quo ipsorum salus quodammodo continetur) tueri et aliorum principum consceleratas cædes, in quo ipsorum periculum propter exemplum et populorum certa strages agitur, vindicare.

Quas turbas Scotorum rebus, ultimi Regis Henrici calamitosa cædes intulerit, Serenitatem tuam cum recte scire, tum multum dolere arbitramur, quos vero homines, illius cædis gravissima suspitio attigerit, non poterit etiam tua Serenitas ignorare. Horum unus is, qui in S. T. potestate nunc esse dicitur Comes Bodovelliæ omnium votis, vocibus, efflagitatione, ad judicium acriter deposcitur.

Quanquam igitur Serenitatem tuam sua sponte, quod tanto principe dignum sit, facturam non dubitamus, ta-



men vehementer Serenitatem tuam etiam atque etiam rogamus, sic ut magis exanimo nihil possumus, ut illum comitem, ad causam dicendam, vel mittat in Scotiam vel honoris nostri gratia, recta ad nos primo in Angliam, quæ terra Scotiæ est continens, quo deinceps possit, ex Regno nostro illuc, ad iudicium subeundum nostra fide mitti. Nullam enim injuriam comiti, aut ipsæ sumus facturæ, aut ab aliis fieri passuræ, in verbo Regis pollicemur. Hoc vero in iudicium vocari, nec ipsi quidem Comiti grave videri debet, siquidem in dicenda causa, seipsum gravi invidia liberare, et æquis iudicibus, Innocentiam suam probare possit. Sin autem est nocens, nec cœlesti numini gratum, nec rebus humanis erit utile, regis sui parricidam impune tam diu vivere. Utcumque erit, Serenitati tuæ, non honorificum modo, sed etiam gloriosum fuerit, vel innocentem Serenitatis tua opere absolvi, vel tanti facinoris reum, justorum iudicum suffragiis condemnari. Plane summam in Serenitatis tuæ moribus justitiam et æquitatem (si comes ad dicendam causam mittatur) probabunt omnes, et nos magno Serenitatis tuæ beneficio nos affectas putabimus; nihil enim certe est, quod Serenitas tua, hoc quidem tempore nobis facere possit gratius. Deus Opt. Max. Serenitatem tuam, in omni prosperarum rerum affluentia conservat, &c. (1569, juxta Seriem Literarum.)

*Elizabetha Dei gratia, &c. Frederico Daniæ, &c. Salutem.*

Scotiæ Regens pluribus verbis nobis significari fecit Johannem Clerk Scotum qui in Regio vestro exercitu ordines duxit, gravissimis criminibus, apud Serenitatem vestram reum peragi, idque malevolorum quorundam

feri calumniis, inter quos principem locum tenere dicitur Comes Bodovellæ. Et quoniam nostrum Principum munus esse solet et debet, injuste laborantibus, et afflictis hominum fortunis opitulari et subvenire, improborumque audacias coercere et frangere, faciendum nobis fuit (Regente presertim id efflagitante) ut de utroque, qualis nobis uterque cognitus fuerit, apud Serenitatem vestram judicium et testimonium nostrum interponeremus.

Intelligat igitur vestra Serenitas Joannem Clerk præclare hic in Anglia, nobis nostrisque diu esse notum, nec vero quicquam unquam in ejus moribus prævum aut fucatum vidisse quenquam, contraque potius ea hominem virtute, fide, integritate cognovimus atque andivimus, ut nulla ratione nos dubitemus, quin ab audacissimo homine Bodovellæ comite, hæc innocentia crimina affecta sint.

De Bodovellio vero nos antea ad sertem. vestram, ut de certissimo Regis sui interfectore scripsimus, rogavimusque ut, a serte vestra in Scotiam ad causam dicendam mitteretur. Quare confidimus quidem certe (quod tamen a serte. vestra iterum atque iterum summo opere rogamus) comitem tanti facinoris reum, in carcere et vinculis arcte custodiri, vel certe quod malumus, magisque petimus, e carcere ad judicium subeundum, ad eum locum, in quo scelus admissum sit, missum iri; neque enim certe Regi honorificum esse potest, Regis interfectorem solute et libere vagari et impune vivere; at ita se gerere et jactare, ut innocentis capiti struat insidias, multo minus. Quare utrumque petimus a serte. vestra, ut et de Bodovellis, quod ipsius facti diritate dignum sit, statuatur, et Joannem Clerke fortem et honestum virum, nobis cognitum iniquorum suorum calumniis opprimi non sinat. Quorum pri-

mum non Justitiæ solum, sed etiam prudentiæ ; alterum certe fuerit clementiæ et æquitatis tuæ. Deus Opt. Max. S. V. Salvam servet et incolumem. *Dat,* &c. (1570, *juxta Seriem Literarum.*)

*Elizabetha Dei gratia, &c. Frederico Daniæ, &c. salutem.*

Sæpe jam nos ad sertem. vestram de Bodovelliæ comite, qui ex Scotia jam pridem, Rege per summum scelus interfecto, in vestras ditiones profugisse dicitur. Scripsimus simul etiam de Joanne Clerk Scoto, ejusdem comitis calumniis graviter apud S. vestram accusato, quid nos opinionis et judicii haberemus, significantes. Quibus literis quoniam nihil est adhuc a S. vestra responsum, eadem de rebus eisdem repetere hoc tempore cogimur, et S. vestram iterum summopere rogare, ut eum comitem, de quo tam gravis apud omnes interfecti Regis habetur suspitio, ad causam dicendam vel mittat in Scotiam, vel honoris nostri causa, primo recte in Angliam, quo deinceps possit, ex nostro Regno illuc, ad judicium subeundum nostra fide mitti. Non enim certe Regibus honorificum esse potest, Regis interfectorem impunitum vivere, qui si contra innocens inventus fuerit, gravi profecto seipsum invidia liberabit. Hoc cum S. vestram libenter nobis daturam confidimus, tum illud etiam non minus petimus, ut Joannem Clerke, fortem et probum virum, nobis cognitum iniquorum suorum calumniis opprimi non sinat. Quibus de rebus, cum ante hac ad S. vestram copiose perscripserimus, libenter quidem hoc tempore, quantum in iis nobis gratificari velit, audire cupimus. Deus O. M. S. V. in omni prosperarum rerum affluentia conservet. *Dat. Grin. 24 Martii 1571. Regni nostri 13th.*

No. XXX. Vol. II. Page 51.

*Extract of the deciphering of a Letter of Queen Mary's to her Ambassador the Archbishop of Glasgow, from Sheffield, 1st June 1576.*

ON m'a donné avis de la mort du Compte de Both-  
 uel; & qu'avant son decez, il fist une ample confession  
 de ses faultes, et se declara autheur et coupable de  
 l'assassinat du feu roy, mon mary, dont il me decharge  
 bien expressément, jurant sur la damnation de son ame  
 pour mon innocence. Et d'autant s'il estoit ainsy, ce  
 temoignage m'importeroit de beaucoup contre les faus-  
 ses calomnies de mes ennemis; je vous prie d'en re-  
 chercher la verité, par quelque moyen que ce soit. Ceux  
 qui assisterent à laditte declaration, depuis par eux  
 signée et scellée en forme de testament, sont Otto Braw  
 du chateau d'Elcambre, Paris Braw du chateau de Vas-  
 cut, M. Gullunstarne du chateau de Fulcenstere,  
 l'Eveque de Skon, et quatre bailiffs de la ville, &c.

Keith, Ap-  
 pend 141.  
 from Mem.  
 Scot. in  
 Cotleg.  
 Scot. Paris.

*Extract of a Letter in Cypher of Abp. Beaton to Queen Mary, 30th July 1576.*

Il y a desja long temps que nous avons entendu les  
 nouvelles de la mort du Comte de Bothuel; et des ce  
 temps, la Reine Mere a escrit (ainsi que M. de Lansac  
 m' assure) à l'ambassadeur du roy en Danemarq, pour  
 envoyer le testament en forme: ce qu'il n'a encore  
 fait. Je trouveroie bon d'y envoyer de Monceaux, qui

entreprendroit volontiers le voiage : mais vous voyez, le peu de puissance que j'ay de luy delivrer de l'argent.

*Extract of a Letter of Abp. Beaton, in Cypher to the Queen, 4th January 1577.*

Gartely<sup>1</sup> dès son arrivée en Escosse, fut fait prisonnier, parce qu'il divulga ce qu'il avoit entendu à Londres, du testament du feu Comte de Bothuel ; et à ce que l'on dit a esté contraint d'envoyer un homme en Danemarq pour la verification d'iceluy. Monceaux n'a voulu entreprendre le voiage sans avoir argent contant. Les 500 livres qu'il a receu par votre liberalité avoient esté dependus, à ce qu'il dit, avant qu'ils estoient receus.

Sur ce propos, je ne veux oublier à vous dire ce qui m'a esté rapporté par un gentilhomme, qui m'a dit l'avoir entendu du Controlleur Tullibairn, qui estoit dans la chambre de Monseigneur le Prince (Jacques VI.) votre fils à Sterlyng ; ayant ledit Tullibairne entre ses mains la copie du dit testament, en le lisant à un autre gentilhomme, mon dit Seigneur vint à l'improviste les acoster de la table où il escrivoit, et à force voulut voir ce que le dit Tullibairn tenoit entre ses mains, encore qu'il luy refusa deux ou trois fois. Et l'ayant leu de mot à mot, sans leur dire aucune paroles, le leur remit entre les mains. Et après avoir achevé ce qu'il avoit à escrire, il se mit plus guap que de coutume, à entretenir les gentilhommes qui estoient

<sup>1</sup> Barclay of Gartley, one of the chief officers of the queen's household in England. M. Crawford's MSS. i. 255. from the Paper Office.

alentour de luy ; ce qu'il continua toute cette après dinée à son souper, et après souper : ce qui rendit toute l'assistance curieux de scavoir l'occasion. Ensorte que ledict Tullibairne luy demanda après souper, en luy disant, qu'il avoit tousjours aimé et honoré, mais à cette heure-là, plus que j'aimais, le voyant si gaillard et disposé, avec si bon visage, entretenir les Seigneurs que le visitoient. Il luy despondit, Tullibairne, n'ay-je pas juste occasion, m'ayant été imprimé si souvent et de si long temps, les accusations et calomnies de la majesté de la Reine ma mere, de ce que aujourd'huy j'ay vu une si ouverte approbation de son innocence ? (*To which the archbishop adds*) Dieu luy donna sa grace, s'il luy plait, d'augmenter ce que plus que naturellement il a desja, au rapport de tout le monde, de bon commencement en toutes choses vertueuses.

*Extrait d'une Lettre de la Reine Marie, à M. de Glasgo, son Ambassadeur, en chiffre, à Schef-field, du 6 Janvier 1577.*

J'ay eu avis que le roy de Danemareque a envoyé à cette Reine (Elizabeth) le testament du feu Comte de Bothuel, et qu'elle l'a supprimé secretement, le plus qu'il luy a été possible. Il me semble, que le voiage de Monceaux n'est necessaire pour ce regard, puisque la Reine Mere y a envoyé, comme vous me mandez.



*Copy of a Relation of the Earl of Bothwell's Declaration at his Death, by one that was present.*

Ibid.  
Cotton Lib.  
Titus C. 7.  
fol. 316.

Le comte de Bothuel malade a l'extremité, au chateau de Malmay<sup>2</sup>, a verifié ce qui s'ensuit.

L'Evesque de Scone, avec quatre grands Seigneurs, à sçavoir, les Seigneurs Berin Gowes du chateau de Malmay, Otto Braw du chateau d'Ottenbrocht, Paris Braw du chateau de Vescut, et M. Gullunstarne du chateau de Fulcensere, avec les quatre bailifs de la ville, prièrent le dict comte de declarer librement ce qu'il sçavoit de la mort du feu Roy Henry, (Darnley) et des autheurs d'icelle, comme il vouloit repondre devant Dieu au jour du jugement, la où toutes choses, tant cachées soyent elles, seront manifestées.

Alors le comte remonstrant pour sa grande foiblesse qui le detenoit, qu'il ne pouvoit discourir tout ce qu'il en sçavoit par lui-même, affirma la Reine innocente de la ditte mort; lui seul, ses parents, et quelque noblesse autheurs d'icelle.

Estant derechef prié des dicts Seigneurs, de declarer quelques uns, nomma my lord Jacques comte de Morray, my lord Robert Abbé de Sainte-Croix,

<sup>2</sup> These names are apparently fictitious. There was no such bishoprick as Scone, which is comprehended in the diocese of Opælac, one of the four bishopricks into which Norway was divided. I believe there is no such town or castle as Malmay either in Norway or in Denmark. Neither the situation of Malmay, nor the date of the confession, nor the name of the merchant upon whom the whole depends, is once specified; and after a very formal attestation by Both-

(maintenant comte des Isles Orchades) tous deux freres bastards de la Reine, les comtes Argueil, Crauford, Glencarn, Morton, my lord Boyd, les Barons de Ledington, Buccleugh et Grange.

Poursuit après, comme par enchantement, auquel dès sa jeunesse, à Paris et aillieurs il s'estoit beaucoup addonné, il avoit tiré la Reine à l'aymer, soy depestrant de sa femme.

Le mariage consommé, cherchoit tout moyen à faire mourir le petit prince, et toute la noblesse qui n'y vouloit entendre.

Après, comme (il) avoit debauché deux filles d'un grand Seigneur de Danemarque, les menant en Escosse, et deux autres d'un grand Seigneur de la ville de Lubecque, sous ombre de mariage avec leur filles, et tant d'autres filles nobles, tant en France que Danemarque, Angleterre, et Escosse : demandant pardon à Dieu, recevant sont corps estant attenué, mourut.

Tout cecy, plus à plein, a esté escrit en Latin et Danois, signé du scel du roy de Danemarque et des assistants surnommez, et viendra quelque jour en lumiere, pour averer l'innocence de la Reine d'Escosse.

L'adjoincte copie ayant esté donné par un marchand digne de foy, assistant alors à la derniere attestation du dict comte.

well, signed or sealed by the King of Denmark, and nine witnesses, we are shuffled off with a copy, *donné par un marchand digné de foy.*

## No. XXXI. Vol. II. Page 52.

BUCHANAN, Melvil, and Spottiswood assure us, that Bothwell died mad, and the two last, writing after James had passed a winter in Denmark, must have known the fact. Turner, in order to authenticate the confession, first asserted, in 1588, that Bothwell's madness was a fiction of Buchanan's; and Whitaker believed, on the authority of Goodall, that he lived at large, unconfined, in Denmark. But the History of James VI. informs us, that he was committed to close prison till his death; the *Summarium de Morte Mariæ*, published 1587, mentions that "in Dania captus, amens obiit" (Jebb, ii. 166), and Thuanus assures us, seemingly from particular information, that as soon as discovered, he was imprisoned at Dracholm, "in arctissimis vinculis, in quibus cum accusatus esset ab amicis cujusdam nobilis virginis Norvegicæ, quam ante *plures* annos, pacto matrimonio violatam, alia *super inducta*, deseruerat, post decennium, accedente amentia, dignum flagitiosa vita exitum habuit," ii. 551. The Norwegian lady whom he had debauched when betrothed to her some years before, and deserted for another, explains a passage in Buchanan, that before his marriage with the queen, *duas uxores adhuc vivas habuit, tertiam ipse nuper suum fassus adulterium, dimisisset*; (Lib. xviii. 357) and suggested the crimes in his confession, that he had debauched a Danish lord's two daughters, and two daugh-

ers of a lord at Lubeck, &c. His body was greatly swelled in summer, 1575 (Murden, 285); and he seems to have died about the end of that year. His age has been strangely controverted. Buchanan, by a mistake of the name, had represented *James*, instead of *Patrick*, Earl of Bothwell, as the rival of Lennox for the queen regent's hand; and Tytler concluded that Bothwell, who courted the mother in 1544, must have been an old man, upwards of sixty, when he married the daughter in 1567. Tytler, 3d edit. 281. The mistake had been previously corrected by Thomas Crawford (Notes on Buchanan, 141), and by Ruddiman (Buchanani Opera, i. 452); but when the late Lord Hailes discovered that Patrick, Bothwell's father, died in September, 1556, and that Mary herself observes of Bothwell ten years afterwards, "*Begynand from his verie youth, and first entres to this realme immediatlie after the deceis of his father,*" (Hailes's Remarks 173. Anderson i. 89) Lord Elibank and Tytler adopted another conclusion; that Buchanan described Bothwell, when courting the queen regent, in 1544, by an anticipation of his future titles, and that he was at least forty-four years of age when he married the queen. Lord Elibank's Letter to Lord Hailes, p. 30. Tytler, ii. 155. It is sufficient to state an answer, the words omitted by both these writers in their quotation from Buchanan: "*Accessit æmulus Jacobus Hepburnus comes Bothwelliæ, &c. Is enim ab Jacobo quinto relegatus, ac statim, eo mortuo domum reversus, eisdem artibus reginæ viduæ nuptias ambiebat,*" &c. Lib. xvi. p. 285. The Earl of Bothwell, whom James had banished in 1537, was Patrick, the earl formerly imprisoned, in 1531, and divorced from his wife most proba-

bly after his return from exile, and before he paid his addresses to the queen regent. Goodall, ii. 319. Bothwell's mother was alive at the murder of Darnley (Paris's First Confession), and Bothwell himself, if born when his father was banished, might be about twenty years of age at his father's death, and about thirty-one on his marriage with the queen. From her own words quoted above, he appears to have returned from abroad, immediately after his father's death; and if Thuanus's story be true, I conceive that he was then (1556) in Denmark or Norway, where he married and deserted his first wife for another: since it is certain that he passed through England to France on his banishment, in 1563. Douglas, in his peerage, creates an intermediate Patrick, Earl of Bothwell, who was married to a daughter of Alexander, Master of Hume, and died in 1534. In 1519 we discover a Master of Hailes, by Buchanan, called James Hepburn, who assassinated David Hume, Prior of Coldingham, to whose sister he was married. Buchanan, 260. Lesly, 371. Pitscottie, 131. Crawford's Notes on Buchanan, 126. David Hume, Prior of Coldingham, was the youngest son of Alexander, Master of Hume, to whose daughter this James Hepburn, commonly called Master of Hailes, (Crawford, *ibid.*) was certainly married. Yet it is equally certain that there was no intermediate earl between Adam, the second Earl of Bothwell, who was killed at Flodden, and Patrick the third earl, who died at Dumfries in September 1556. Crawford's Notes on Buchanan, *passim*. Tytler, ii. 401. See an accurate genealogy of the family in Chalmers's Caledonia, ii. 447. 9, where Bothwell himself is rendered forty-one years of age at his marriage with Lady Jean Gordon, in 1566, on a supposition, which is quite arbitrary, that



his father Patrick being a forward youth, might have been married before he came of age in 1526. id. 453, Note I. But the only criterion we have of Bothwell's age is his service to his father in 1556 : and Mary's instructions to her Ambassadors, in France and England to report well of her husband, "*Begynand from his verie youth* and first entres to yis realme immediatlie eftir the deceis of his fader," which certainly implies that he was then a very young man.



## No. XXXII. Vol. II. Page 57.

*Copy of Sir James Balfour's Letter to Queen Mary.*

1580.

EFTIR that I had considerit the answer of the letter send by me to youre majestie, and therby had understand youre majesties mynd and intentiouns, and specialye that youre (M.) wes nocht abill to tak any greit thing in hand in thir pairtis for many causis, except youre (M) awin subjectis had begun first to prepare the way in delivering youre (M) sone out of the handis of his innemeis, and putting him to full liberty. Finding the matter weill hard, and estait of the countrie incertane, and subject at all ocasioness to diverss mutationis, and I myself banishit and alluterlie vrackit be thaim quha had the gydin of the court, and war about his persone : yit willing to continew and follow furth the courss that I have evir schott at, in doing to youre (M) aggreabill service, I resolvit with myself to tak the hazard to reteir me in this realme, and that nocht without greit parrell of my lyfe, alsweil in my voyage as eftir my landing, quhilk was the xvii day of December laste, at quhat tyme I fand Mortoun and his factioun to beir alss greit sway in court counsale, and outthrowch the haill realme, as evir they did in any tyme bigan, albeit thair had bene sindrie attemptaitis maid againis him of before, from tyme to tyme, quhilk al, threw slawnes of sum that war on the counsale thairof, failzeit. My cuming being detectit and gretumlie wondrit at, I addrest myself screitlie on the

nyght to Edinburgh, the king being in Haly-rud-hous, accompanit with the Erllis of Lennox, Argyll, the Thesaurar, Mortoun, Anguss, Lochlevin, and sindrie of the maist special of that factioun, and finding Lennox his favourers and assistaris willing to suppress the tyrannie of Mortoun, and to put the kingis majestie in full surtie, I frammit my commissioun in sic sort (I traist always nathing thir by your majesties intentioun) to the king's majestie and him, that except Mortoun war reducit to sum better ordir, he wald be the wraick of thaim, your Majestie, and the haill countree, and that be sindrie remonstranceis made to thame, had fra your majestie self, and partlie be uthir intelligence, quhilk I knew, and leirnit from uthiris, sua that Mortoun wes schartlie thaireftir commandit to ward, in the castell of Edinburgh, and thaireftir to Dumbartane, quhair he is now presentlie, being accusit of the king your majesties umquhill husbands murthour, oppinlie in counsale, be capitan James Stewart of Ochiltree, quhair of Mr. Archibald Douglas being advertist be his moyan, wes with all diligence fugitive in Ingland, quhair he resortis as yit. Quhair throw (the said erle) takis the greter bauldenes to deny all thingis promisit be him to Bothwell in that matter, except sa fer as the band (quhair of I did send the copie to youre majestie) dois testifie: and becaus I understand that sum farder knowledge concerning that matter is cum to youre majesties airis, thairfore man pray youre majesties maist humblie to write unto me at lenth, all that youre majestie has heird and knowin thairinto, that his wickit and impudent dealing in that fact may be knawin and manifestit to youre (M) honar, the king youre sonis contentement, and satisfacioun of all gud men, for I have bene preissit be his grace, and utheris of the no-

bilitie, youre majesties favoretis, to try furth the samin, and that with als greit diligence as youre majestie may gudlie, for I have left nathing undone to performe the last wordis of the few lynis send to my lord youre majesties ambassadour to be communicat unto me, concerning him, lyk as I sall continew fra tyme to tyme, as occasioun sal offer the self, quhilk it sall please God that materis tack sum gud succes to youre (M) contentatioun. I dout nocht bot youre (M) hes intelligence of the lamentable estait of this countree, the kingis grace your sone being young, and few or nane about him bot men of na gud qualiteis, and innemeis altogidder to youre majestie, except he erllis of Lennox, Argylle, Setoun, capitan of the castell, and now laitlie the lord Ruthven, quha is in it with thame in this caus agains Mourthoun. It apperis that sin Morris marriage with the lord Drummond's sister, that Montroiss is growand sum quhat cauld. Robert Melvill hes bene ane gud instrument in this caus, lykas at all uthir tymes. I have sene little forderance be any utheris, nor yit findis any apperance in tyme cuming of sum that I lukit wald have bene mair diligent: alwayis thair is sum uthir lordis and gentilmen of the nobilitie quha continueis at your majesties devotioun as thay did of before. Thay quhom youre majestie knawis to have bene unfreindis thir many yeiris, grouis daylie the mair and mair obstinat; nevertheles thair is many of all estaitis that beris your majestie ane greit gud will gif they durst utter the samin, quha ar for the maist pairt knawin to youre majestie's self be moyan of thair awin advertisements. Bot nane in compair of the erll of Lennox, quha endeivris him self continewallie be al meanis to bring al materis to pas concerning your majestie and the kingis weill, as he promist to Monsieur

de Guise before his pairtin furth of France, lik as youre majestie will understand at mair lenth be the king your majesties sonis awin letter and his. The said erll of Lennox hes bene at greit chairgeis and expensse sin his cuming to this countree, and is far behind the hand, and the kingis verra pure throw the abusing of his patrimonie be thais quha hes had the governing thairof this tyme begane. Ingland in this mene tyme boistris fast to mak weir, and that be the persnasioun of the Douglass and thair factioun. Thairfor seing the mater is begun and weil agaitwart according to youre majesties desyre, sua it is requisite that your majestie put to youre helpin hand for furthsettin, mantening, and defending of the present estait, and of al thais that dependis faithfullie and trewlie upon your majesties sone, for now occasioun is offerit to imploy your majesties friendis; for as thingis ar presentlie at point, it is nocht abill to bring materis soundlie to perfectioun without youre (M) moyan and support. I dout nocht bot youre majestie will call to remembrance the platt quhilk I laid to your majestie be my writting before my depairtin furth of France. My lord Setoun, with many utheris, hes writtin amplie to your majestie all the proceedingis of this countree, quhilk causis me to be the schorter. I pray your majestie write effectuouslie, in particular to al thais that your majestie knawis to be freinds in thir pairtis. And gif it sall pleis your majestie twiche sum thing in your majesties letters to confer with me in sic thingis concerning your (M) service as sall nocht be contenit in your (M) letters, and in my awin writin to be send be your (M) to me that thair be contenit ane generale clauss, to assure sic as will be forwart in your (M) and sonis service, of your

(M) gud will and benevolence (I mene nocht of sic that youre majestie will nevir traist into).

And attour gif it sall pleis your majestie to desyre his grace to use sum quhat of my counsale in his greit effaires, specialie concerning youre (M) self and the weill of this realme, I sall fulfill, be Godis gudnis, that thing quhilk I have promist, gif it sall pleis him of his mercie to prolong my dayes. It becomis me nocht to be harald in my awin causs, nor yit will I presentlie mene to youre majestie my hard handlin, deidlie feid and hatrait quhilk I underly for your (M) service, bot refer the samin to your (M) consideratioun, eftir just tryell takin thair of be your majesties self, as surand your (M) that I sall be at all occasiounis mair reddie to put thingis in executioun, quhilk I believe may tend to your (M) weill and contentement, than to mak large and ample discourss without frute, quhilk I haue purposly omittit at this present, becauss I thocht it nocht needfull to repeat that thing quhilk sindrie hes writtin to youre (M) at lenth concerning the present estait of all thingis within this realme, and specialie my lord of Lennox, to quhom I pray youre (M) write as he meritis, and to have consideratioun of the greit chargeis that he hes sustenit and daylie sustenis, nocht forgetting utheris of the nobilitie youre (M) affectiounat servitouris, in thair awin rank. In the meme tyme I sall interteine all thais that I know to be affectiounat, or may be persuadit to youre (M) service with sic small credit as I have.

I have desyrit my lord ambassadour to write this in his cipher, for gif I had ane of my awin I wald have twicht sindrie thingis quhilk I have omittit, bot sall write heir eftir as thingis sall happin to fall furth.



Thair fore youre (M) will pleis write me youre answer in my said lord ambassadours cipher, quha will communicat the samin to me surlie aneuch, or ellis gif youre (M) findis opportunitie to send me ane cipher of my awin. This lukiŋ for youre (M) answer with sic gudlie diligence as is possibill, kissand youre (M) handis with all humilitie, I pray the eternal God to preserve youre (M) in gud health, and grant youre (M) haistie releifs to his glorie and the comfort of the gud subjectis of this pure and afflictit realme. From Edinburgh the penult day of Januar, 1580.

Your majesties maist humbill and obedient  
servitour to the end,

SIR JAMES BALFOUR.



## No. XXXIII. Vol. II. Page 58.

*Trial of the Earl of Mortoun for the Murder of Darnley.*

‘Mourtoun his forfaltrie,

Arnot's  
Crim.  
Trials,  
p. 388.

CURIA justiciarie S. D. N. regis tenta et inchoata in pretorio burgi de Edinburgh, primo die mensis Junii, anno Dni. millesimo quingentesimo octuagesimo primo, per honorabiles et discretos viros Jacobum Striviling de Keir militem, et magistrum Joannem Grahame justiciarios in hac parte per commissionem S. D. N. regis, ac Dnorum ejus secreti concilii specialiter constitut. ad effectum subscriptum sectis vocatis, et curia legitime affirmata, &c.

Jacobus Comes de Mortoun, Dns. de Dalkeith, &c. accusatus callumniatus de arte, parte, prescientia conselatione, et non releuatione proditorie murthure quondam nobilissimi et charissimi Henrici regis Scotorum, patris S. D. N. Regis Jacobi sexti.

Nomina assizae elect. jurat. et admiss. super prefato Jacobo Comite de Mortoun, &c. viz.

Colinus Comes Ergadie, Johannes Comes de Montrois, Andreas Comes de Rothies, Jacobus Comes de Glencairne, Hugo Comes de Eglintoun, Alexander Comes de Sutherland, Joannes Dns. de Maxwell, Georgius Dns. de Seytoun, Jacobus Dns. Ogilvie, Jacobus Dns. Innermaithie, Hugo Dns. Somervell, Alexander Magister de Levingstoun, Alexander Mr. de Elphinstoun, Joannes Gordoun de Lochinvar, Miles, Patricius Hepburne de Wachtoun, Patricius Learmonth de Dersie, Miles, Willielmus Livingstoun de Kilsyth, Miles.

The whilk day the said James earle of Mortoun being indyttit and accusit, that, in the moneths of Januarii and Febrii, in the yeir of God 1566 yeiris, he, accompaniit with James, some tyme earle Bothwell, James Ormistoun some tyme of that iike, Robert, *alias* Hob Ormistoun, his father brother, John Hay some tyme of Tallo, younger, John Hepburne, callit John of Bowtoun, and divers others his complices, craftelie and secretlie conspirit among them selves, consultit, treatit, devysit, and maliciously concludit the maist shameful, detestable, and unnatural murther and patricide of our soverane lords umquhill dearest father, Henry king of Scotts, lawful spouse for the tyme to his hienes's dearest mother, Mary, then quein of Scotland, and that within the burgh of Ed', pallice of Hallyruidhouse, and uthers places thereabout; and to the end he myght bring his wicked, filthie, and execrabil attempt at better to pass, he with the remanent persons afoirnamed, be themselves, y' servants, complices, and others, in y' names, of their cawseing command, hounding, sending, partaking assistance and ratihabitione, upon the tenth day of the sd moneth of Feberwar 1566 years, at twa hours after midnight, or therby, come to the lodgeing besyde the Kirk of Feild, within the said burgh of Ed', wher our sd soverane lords umqll dearest father was lodgit for the tyme, and ther be way of hamesukin, brigancie, and foirthrowght felonie, maist vylelie, unmercifullie, and treasonable, slew and murtherit him, with Wm Tayliour and Andro Makage, his cubicularis, when as they, buriет in slep, were take-and the nyghts rest, brunt his hoill lodgeing forsaid, and raised the samen in the air be force of gun poulder, qlke a lytle afore was placit and imput be him and his forsaid under the grund, and angular stains, and within

the voltis, in laich and darnit pairts and places y'of, to that effect, and richt, swa he with the remanent persouns afornameit, marrowis of his mischeife, be themselves, y' servants, complices and uthers, in y' names, of their causing, command, hunding, sending, and airt, and pertaking, assistance, and ratihabition, at the tymes forsaid, respective, gave their favor, counsall, and help to the perpetration of the said horrible crymes, and ay sinsyne hes simulate, hid, and conceillit the samen, in maist treasonable and secreit maner, and theirthrow had incurrit the paines of leismagestie, and sould have bein punishit theirfor with all rigour, be tinsall of life, lands, and guids, and be extinctioun of fame, honour, titles, and memorie, conform to the lawis of this realme; lykeas the remanent persouns afornameit, his complices and conspirators with him in their treasonable impieties, were already tryed and forfaultit for the self same hynous and detestable crymes, and for the maist part, as they could be apprehendit, had sufferit maist shameful deid theirfor, according to y' deserving, as at mair lenth is contained in the dittay given in anent the premisses, with the taikins and probatiouns producit and usit theirwith; qlkes being read, the said James earle of Mortoun, and he anserand y'to, denyit the samen, be reasoun wherof the said justice-deputis referrit the samen to the knowlege of the inqueist and assyse above written, wha wes resavit and admittit in presence of the said earle, and they being furth of court removed, and ryply advisit with the said dittay, taikins infallible and maist evident, with the probatiouns producit and usit for verifying theirow, and y'after inenterand againe in court, they all in ane voyce, be the pronounceing of the mouth of John earle of Montrose, chancellor choisen be the

s<sup>t</sup> assyse, fyllit the said James earle of Mortoun of airt, pairt, foirknowledge, and conceiling of the treasonable and unnatural murthers forsaid; after the qlke conviction, the saids justice-deputis, be pronouncioun of Andro Lindsay, demster of the said court, adjudgit, and for dome gave, that the said James earle of Mortoun sould be had to ane gibbet besyde the mercat-crose of the s<sup>t</sup> burgh of Ed<sup>r</sup>, and ther he hangit while he be deid, and y<sup>a</sup>fter drawin, quarterit, and demaneit, as ane traitour; and that all his lands, heretage, offices, possessiones, tackes, steadings, cornes, cattell, actiones, debtes, obligations, guidis moveable and unmoveable, and uthers whatsomever whilkis pertinit to him, sould and aught appertaine to our soverane lord, and to be applyit to his hienes use, be reasone of escheat of forfaultour to be uptaken, usit, and disponit, be his hienes at his pleasur; upon the qlkes premisses, Mr. Robert Crichtoun of Eliock, advocat to our soverane lord, asked instruments, and acts of court.—*Extractum ex actis curia Justiciarie antedictae, per me Wm. Stewart juniorem, notarium publicum et clericum dicte curie per commissionem S. D. N. regis antedicti. specialiter electum et juratum, &c. sub meis signo et subscriptione manualibus.*

## No. XXXIV. Vol. II. Page 61.

*The sume off all that conference that was betwixt the Eirle of Morton, John Durie, and Mr. Walter Balcanquell, and the cheif things that they hard of him quhairof they can remember, that day that the said Eirle suffered, quhilk was the second of Junii, 1581.*

FIRST, the said eirle being exhorted that he sould not be discouraged in consideration of that estate quhairinto ance he was in this world in honour and glorie, and of the downcast quhairunto now he was brought, but rather in consideration of the glorie to come, he sould rejoice and be of gude comfort, his answer was, as concerning all the glorie that I have had in this world, I cair not for it, because I am persuaded now that all the honours, riches, friends, pleasures, and quhatsomever I had in the world, is but vanitie, and as concerning the estate quhairunto now I am brought, I thank God for it, and am at this poynt, that I am content rather to render my lyfe then to live, because I know that as God has appoynted the tyme of my death, so has he appoynted the manner thereof; and therefore, seeing that now is the time, and this is the manner that best pleiseth my God to take me, I am content, and as for my lyfe in this world, I cair not for it a penny, in respect of that immortalitie and everlasting joy quhilk I luke for, and quhairof I am assured.

2. Being requyred quhat was his part or knowledge in the king's murther, he answered with this attestation, as I sall answer to my Lord God, I sall declare trewlie all my knowledge in that matter the soume



quhair of is this: Efter my returning out of Ingland, quhair I was banished for Davie's slaughter, I came out of Wederburn to Whittinghame, quhair the eirle Bothwell and I met together in the yaird of Whittinghame, quhair, efter long communing the eirle Bothwell proponed to me the king's murder, requyring what wald be my part therein, seeing it was the queines mynd that the king sould be taine away, because, as he said, she blamed the king mair of Davie's slaughter than me. My answer to the eirle Bothwell was this, that I wald not in any ways mell with that matter, and that for this cause, because I am but new cumed out of trouble, quhair of as yet I am not red, being discharged to cum neir the court be seven mylls, and therefore, I cannot enter myself in such a trouble againe. Efter this answer, Mr. Archbald Douglas entered in conference with me in that purpose, persuading me to agrie to the eirle Bothwell's desyre. Last of all the eirle Bothwell, being in Whittinghame, thairafter eirnestly proponed the same matter again to me, persuading me thairto, because so was the queines mynd, and shoe wald have it to be done. Unto this my answer was, I desyred the eirle Bothwell to bring me the queines hand wryt of this matter for a warrand, and then I sould give him ane answer: utherwayes I wald not mell therewith, quhilk warrand he never purchaissed (reported, Calderwood's MS.) unto me. Then being inquyred quhat wald have beine his part in caise he had gotten the queines warrand in that matter, wald he in respect thair of, melled with such a filthie murder as that? He answered, gif I had gotten the queines wryt, and so had knowen her mynd, I was purposed to have banished mysele againe, and turned my back on Scotland quhile I had sein a

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better occasion. Then following forth his discourse of this matter, he said, I being at St. Andro's to vissit the eirle of Angus a little before the murther, Mr. Archbald Douglas came to me there, both with wryt and credit of the eirle Bothwell, to shew unto me that the purpose of the king's murther was to be done, and neir a poynt, and to request my concurrence and asystance thereunto. My answer was to him, that I wald give no answer to that purpose, seeing I had not gotten the queines warrand in wryt, quhilk was promised, and thairfore seeing the eirle Bothwell never reported any warrand of the queine to me, I never melled farther with it. Then being inquiryed whether he gave Mr. Archbald Douglas any command to be there in his name, he answered, I never commanded him. Being inquiryed gif he gave him any counsel thereunto, he answered, I never counselled him to it: being inquiryed if he gave him any counsel in the contrair, he answered I never counselled him in the contrair. Then it was said to him, that it was a dangerous thing for him that his servand and dependar was to pass to such a wicked purpose, and he knowing thereof stayed him not, sieing it would be counted his deid: he answered, Mr. Archbald at that tyme was a dependar upon the eirle Bothwell, making court for himself, rather then a dependar of myne. Efter this following forth the same discourse, he said Mr. Archbald, efter the deid was done, shew to me that he was at the deid doeing, and came to the Kirk of Field yard with the eirle Bothwell and Huntlie. Then being requyred if he received Mr. Archbald efter the murther, he answered I did indeed. Then it was said to him, appeirantlie my lord, ye cannot complain justlie of the sentence that is given against you, sieing with your own mouth

ye confess the foreknowledge and concealling of the king's murther, for quhilk two poynts onlie ye could not be able to abyde the law. He answered that I know to be trewe indeid, but yet they sould have considered the danger that the reveilling of it wald have brought me to at that tyme; for I durst not reveill it for feir of my lyfe. For at that tyme to whom sould I have reveilled it? To the queine? she was the doer thereof. I was mynded to have told it to the king's selfe (father, Calderwood) but I durst not for my lyfe, for I knew him to be a bairne of such nature (sic a facile bairne) that there was nothing told him but he wald reveill it to hir againe: and therefore I durst in na wayis reveil it. And howbeit they have dampned me of arte and parte, forknowledge and concealing of the kingis murther, yit, as I sall answer to God, I never had art or part, red or counsall, in that matter. I forknew indeid and concealed it, because I durst not reveil it to ony creatur for my lyfe. Being inquyred why he wald not sinsyne revieill it to the king's majesty, he answered I durst not, for the same feir. Then he said, efter the eirle Bothwell was cleinged by an assyse, sundrie of the nobilitie, and I subscryed also a bond with the eirle Bothwell, that if any sould lay the king's murder to his charge, we sould assyst him in the constrairie, and thereafter I subscryed to the queines marriage with the eirle Bothwell, as sundrie uthers of the nobilitie did, being charged thereto by the queines wryt and command. Then being inquyred in name of the living God, that sieing this murther of the king's was ane of the most filthy acts that ever was done in Scotland, and the secreits thereof hes not yet been declared, who was the chief deid doers, or whether he was wirried or blown in the air, and therefore

to declare if he knew any farther secret thereunto; he answered, as I sall answer to God, I know no more secret in that matter then I have already told and heard be the deposition of such as hes already suffered for it, quhilk depositions are yet extant. Being inquyred if he knew any presentlie to be about the king, who was doers of that work, by whose companie the king or common weill might be hurt, he answered, I know none, and will acuse none. Last of all, it was said to him concerning this purpose, that in respect of his own deposition, his part wald be suspected to be more foull nor he declared, he speired for what reason. It was answered, ye being in authoritie, howbeit ye punisht uthers for the murther, yet ye punisht not Mr. Archbald, whom ke knew to be guilty thereof; he answered, I punisht him not indeid, neither durst I, for the causes before shoven.

[As the remaining articles of this long confession relate to transactions during his regency and afterwards, we proceed to the conclusion.]

Thereafter he was called to dinner at two after nune, and being at dinner, sieing the brethrein of the ministrie were informed that there was wrong report made of his confessioun to the king, and that he sould have confessed meikle uther wayes then he did, whereby the king might have had ane war opinion of him, they thought gude to send down some before his suffering, to inform the king's majestie of the facts of his confessioun, as namely, David Fergusson, John Durrie, and John Brand, who, before his death, at length told the simple truth of his confessioun to the king's majestie. At their returning againe from the Abbey, his keiper requyred him that he sould cum forth to the scaffald, he answered, sieing they have

troubled me this day over meikle with warldly things, I supposed they sould have given me this one nyght leasor to have advysed rypely with my God. His keiper said all things are readye now, my lord, and I think they will not stay: he answered, and I am readye also, I prayse my God; and so, one comfortable prayer being made, he passed down to the gate, mynding to goe directly to the scaffold; but the eirle of Arrane stayed him, and brought him back againe to his chalmer, and requyred of him that he sould tarrie till his confessioun were put in wryt, and subscryed with his hand and the ministers that were present. He answered, no, my lord, I pray you trouble me no more with these things, for I have now another thing to advyse on, that is, to prepair me for my God, sieing that I am now at a poynt to go to death, I cannot wryt in the estate wherein now I am. All the honest men can testifie what I have spoken in the matter; with quhilk answer the eirle of Arran being satisfied, he said unto him, now my lord, ye will be reconciled with me, for I have done nothing upon any particular against you. He answered, it is not tyme now to remember on querels, I have no querel to you nor any man; I forgive you and all uthers, as I will all to forgive me; and so therefter with a gude curage he past to the scaffald, and being upon the scaffald, he repeits in few words the substance of these things, the quhilk before he had confessed, except that he concealed Mr. Archbald Douglas his name, and eiked some word and exhortatioun to the people, quhilk he spake not before, as namely, he said, Sure I am the king sall lose a gude servant this day, and so he exhorted the people, saying, I testify before God, I have professed the evangell, quhilk this day is teachd and professed in Scotland, and so

also now I will willinglie lay down my lyfe in the professioun thereof; and howbeit, I have not walked therein as I aught, yet I am assured God will be merciful to me; and I pray you all, gude christians, to pray for me; and I charge you all, in the name of God, that are professors of the evangell, that ye continue in the true professioun thereof, and maintain it to your power, as I sould have done, God willing, with my lyfe, lands, and all, gif I had had dayes, quhilk if ye doe, I assure you God sall be mercifull to you; but if ye do not, be sure the vengeance of God sall light upon you both in bodie and soul. As concerning all the rest of the things quhilk he spake comfortably upon the scaffold, he spake them more amply before, and therefore we think it not neidful to repeat.

When all his speeches were ended upon the scaffold, a comfortable prayer was made by Mr. James Lawson, during the time of quhilk prayer, the eirle lay grovelling upon his face, before the place of execution, his bodie making great rebounding with sighs and sobes, quhilk was evident signs of the inward and mighty working of the spreit of God, as they who were present and knew what it was to be earnestly moved in prayer, might eysily persave. The prayer being ended, and efter that sundrie came unto him to be reconciled with him before his death, quhilk he most lovingly did receive, and efter that he had taken us all by the hand, that were about him, and bidden us farewell in the Lord, he passed both constantlie, patientlie, and humble, without feir of deith to the place of execution, and laid his craig under the axe, his hand being unbound, and thairefter Mr. Walter putting him always in mind of Christ: and crying in his eirs thir words following, untill his head was strucken off, Lord Jesus receive



my soul in thy hands, Lord, in thy hands I commit my spreit, quhilk words he was speaking till the axe fell on his neck, and so quhatsoever he had been before, he constantlie died the trew servant of God ; and howbeit by his unfriends alledged, that as he lived proudlie, so he died proudlie, the charitable servants of God could perceive nothing in him but all kind of humility in his death, in so meikle that we are assured that his soul is received in the glorie of heaven, to the quhilk the Lord bring us all. *Amen.*

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Mortoun's confession undoubtedly must have been faithfully reported by the clergy, as the substance was communicated to James and to Arran, and was repeated on the scaffold, in the presence of his enemies, before his execution. It is confirmed by Archibald Douglas's letter to Mary, which we reprint from Robertson's History, to complete the evidence ; but Morton's silence concerning Lethington may require some explanation. In a memorandum to Morton on his appointment to the regency, Lethington remonstrates against his own *forfaulture*, "for a crime whereoff he, (Morton,) knoweth in his conscience I was as innocent as himself;" to which Morton made this remarkable reply: "That I know him innocent in my conscience as myself, the contrary thereof is true, for I was, and am innocent thereof, but could not affirm the same of him, considering what I understand in that matter, of his own confession to myself of before." Calderwood, ii. 274-6. MS. Illustrations of Scottish History, p. 475. 481. That Lethington was as innocent as Morton, plainly implies that Morton was equally guilty with Lethington, who, instead of asserting his own in-



nocence, merely insinuates that the other was equally privy to the murder. But Morton, distinguishing between the foreknowledge and the participation of the crime, openly asserts his own innocence, and Lethington's concern in the murder, which he understood from his own confession *of before*; and in these passages each alludes indisputably to the conference at Whittingham before the murder. Secret overtures, however unsuccessful, are seldom or never betrayed by politicians; and Morton refused at his execution to accuse any of the king's attendants, whom he was then unwilling to offend. Lethington's brother, John Prior of Coldingham, afterwards chancellor, sat as one of the assessors to the justice depute upon Morton's trial, (Anderson's MSS.) and from the confession of Binning, (who was tried and executed the very next day after Morton) it appears that he was privy, if not accessory to the murder. But Morton, from the same motive, perhaps, that induced him to suppress Archibald Douglas's name on the scaffold, concealed Lethington's share in the conference at Whittingham, out of tenderness both to the living and to the dead.

*A Letter from Mr. Archibald Douglas to the  
Queen of Scots. Robertson's Hist.*

PLEASE your majesty, I received your letter of the date 12th of November, and in like manner has seen some part of the contents of one other of the same date, directed to Monsieur de Movisir, ambassador for his majesty the most christian king, both which are agreeable to your princely dignity, as by the one your highness desires to know the true cause of my banishment, and offers unto me all favour if I shall be innocent of the heinous facts committed in the person of your husband of good memory, so by the other the said ambassador is willet to declare unto me, if your husband's murder could be laid justly against me, that you could not solicit in my cause, neither yet for any person that was participant of that execrable fact, but would seek revenge therof, when you should have any means to do it; your majesty's offer, if I be innocent of that crime, is most favourable, and your desire to know the truth of the same is most equitable; and therefore that I should with all my simplicity, sincerity and truth answer thereunto is most reasonable, to the end that your princely dignity may be my help, if my innocence shall sufficiently appear, and procure my condemnation, if I be culpable in any matter, except in the knowledge of the evil disposed minds of the most part of your nobility against your said husband, and not revealing of it, which I am assured was sufficiently known to himself and to all that had judgement never so little in that realm; which also I was constrained to understand, as he, that was specially employed betwixt the earl Morton, and a good number of your nobility,

that they might with all humility intercede at your majesty's hand for his relief, in such matters as are more specially contained in the declaration following, which I am constrained for my own justification, by this letter to call to your majesty's remembrance. Notwithstanding that I am assured to my grief, the reading thereof will not smally offend your princely mind. It may please your majesty to remember, that in the year of God 1566, the said earl of Morton, with divers other nobility and gent. were declared rebels to your majesty, and banished your realm for insolent murder committed in your majesty's own chamber, which they alledged was done by command of your husband, who notwithstanding affirmed that he was compelled by them to subscribe the warrant given for that effect; howsoever the truth of that matter remains amongst them, it appertains not to me at this time to be curious; true it is that I was one of that number, that heavily offended against your majesty, and passed in France the time of our banishment, at the desire of the rest, to humbly pray your brother the most christian king, to intercede that our offences might be pardoned, and your majesty's clemency extended towards us, albeit divers of no small reputation, in that realm, was of the opinion, that the said facts merited neither to be requisite for, nor yet pardoned. Always such was the careful mind of his majesty towards the quietness of that realm, that the dealing in that cause was committed to Monsieur de Movisir, who was directed at that time to go into Scotland, to congratulate the happy birth of your son, whom Almighty God of his goodness may long preserve in happy estate and perpetual felicity; the careful travel of the said de Movisir was so effectual, and your majesty's mind so inclined to mer-

cy, that within short space thereafter I was permitted to repair in Scotland, to deal with earls Murray, Athol, Bodvel, Arguile, and secretary Ledington, in the name and behalf of the said earl Morton, lords Reven, Linsay, and remanent complesis, that they might make offer in the names of the said earl, of any matter that might satisfy your majesty's wrath, and procure your clemency to be extended in their favours; at my coming to them, after I had opened the effect of my message, they declared that the marriage betwix you and your husband had been the occasion already of great evil in that realm, and if your husband should be suffered to follow the appetite and mind of such as was about him, that kind of dealing might produce with time worse effects; for helping of such inconvenience that might fall out by that kind of dealing; they had thought it convenient to join themselves in league and band with some other noblemen, resolved to obey your majesty as their natural sovereign, and have nothing to do with your husband's command whatsoever, if the said earl would for himself enter into that band and confederacy with them, they could be content to humbly request and travel by all means with your majesty for his pardon, but before they could any farther proceed, they desired to know the said earl's mind herein; when I had answered, that he nor his friends, at my departure, could not know that any such like matter would be proponit, and therefore was not instructed what to answer therein, they desired that I should return sufficiently instructed in this matter to Sterling, before the baptism of your son, whom God might preserve; this message was faithfully delivered by me at Newcastle in England, where the said earl then remained, in presence of his

friends and company, where they all condescended to have no farther dealing with your husband, and to enter into the said band. With this deliberation I returned to Sterling, where at the request of the most christian king and the queen's majesty of England by their ambassadors present, your majesty's gracious pardon was granted unto them all, under condition always that they should remain banished forth of the realm, the space of two years, and farther during your majesty's pleasure, which limitation was after mitigated at the humble request of your own nobility, so that immediately after the said earl of Morton repaired into Scotland to Quhittingaime, where the earl Bodvell and secretary Ledington come to him; what speech passed there amongst them, as God shall be my judge, I knew nothing at that time, but at their departure I was requested by the said earl Morton to accompany the earl Bodvell and secretary to Edinburgh, and to return with such answer as they should obtain of your majesty, which being given to me by the said persons, as God shall be my judge, was no other than these words, "Schaw to the earl Morton that the queen will hear no speech of that matter appointed unto him;" when I crafit that the answer might be made more sensible, secretary Ledington said, that the earl would sufficiently understand it, albeit, few or none at that time understand what passed amongst them. It is known to all men als veill be railling letters past betwixt the said earl and Lidington when they become in divers factions, as also ane buck sett furth by the ministers, wherein they affirm that the earl of Morton has confessed to them, before his death, that the earl Bodvell come to Quhittingaime to propon the calling away off the



king your husband, to the which proposition the said earl of Morton affirms that he could give no answer unto such time he might know your majesty's mind therein, which he never received. As to the abominable murder, it is known too by the depositions of many persons that were executed to the death for the committing thereof, that the same was executed by them, and at the command of such of the nobility, as had subscrivit band for that effect: by this unpleasant declaration, the most part thereof known to yourself, and the remainder may be understood by the aforesaid witnesses that was examined in torture, and that are extant in the custody of the ordinary judges in Scotland, my innocency so far as may concern any fact does appear sufficiently to your majesty. And as for my dealing aforesaid, I can be no otherwise charged therein, but as what would accuse the vessel that preserves the vine from harm, for the intemperancy of such as immoderately use the same. As for the special cause of my banishment, I think the same has proceeded upon ane opinion conceived, that I was able to accuse the earl of Morton of so much matter as they alledge himself to have confessed before he died, and would not be induced, for loss of reputation, to perform any part thereof. If this be the occasion of my trouble, as I suppose it is, what punishment I should deserve, I remit me to your majesty's better judgment, who well knows how careful ever ilk gentleman should be of his fame, reputation, and honour, and how far ever ilk man should abhor the name of a pultroun, and how indecent it would have been to me to accuse the earl of Morton, being so near of his kin, notwithstanding all the injuries I was constrained to receive at his hand all the time of his government, and



for no other cause, but for shewing of particular friendship to particular friends in the time of the last cruel troubles in Scotland. Sorry I be now to accuse him in any matter being dead, and more sorry that being on lyff, be such kind of dealing obtained that name of Ingrate. Always for my own part I have been banished my native country those three years and four months, living in anxiety of mind, my holl guds in Scotland, which were not small, intermittit and disponit upon, and has continually since the time I was relieved out of my last troubles at the desire of Monsieur de Movisir, attended to know your majesty's pleasure, and to await upon what service it should please your majesty for to command. Upon the 8th of April inst. your good friend secretary Walsinghame has declared unto me, that her highness thought it expedient that I should retire myself where I pleased, I declared unto him I had no means whereby I might perform that desire, until such time as I should receive it from your majesty. Neither knew I where it would please your highness to direct me, until such time as I should have received further information from you. Upon this occasion, and partly by permission, I have taken the hardress to write this present letter, whereby your majesty may understand any part of my troubles past, and strait present. As to my intencion future, I will never deny that I am fully resolved to spend the rest of my days in your majesty's service, and the king your son's, wheresoever I shall be directed by your majesty, and for the better performing thereof, if so shall be her majesty's pleasure, to recommend the tryal of my innocency, and examination of the verity of the preceding narration, to the king your son, with request that I may be pardoned for such offences as concerned your majesty's

service, and var common to all men the time of his les aige and perdonit to all, except to me, I should be the bearer thereof myself, and be directed in whatsoever service it should please your majesty for to command. Most humble I beseech your majesty to consider hereof, and to be so gracious as to give order, that I may have means to serve your majesty according to the sincerity of my meaning, and so expecting your majesty's answer, after the kissing your hand with all humility, I take leave from London.

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I AM satisfied myself that Huntley and Archibald Douglas were both present, but not at the explosion. Binning, Douglas's servant was tried and executed the day after the execution of Morton, and according to an imperfect abstract of his deposition, he declared "that his master passed to the deid doing, the said Binning and Gairner his servants being with him in company," (Arnot's Crim. Trials, 16.) "and tint ane of his mules in walking; and efter his incuming that night changit his claithis quhilkis war full of clay and foulness, and he beand send to Throplowis wynde fit, the said John met certaine mussilit men, quhom he knew not, but as he supponit he thocht he knew the voice of Mr. James Balfouris brother, proveist, of the Chairterhouse. In the meantyme came in Mr. John Maitland, abot of Coldinghame, and putting his tow handis on his awn mouth, maid to him an signe to keip quiet the rest of his mynd." Anderson's MSS. When Binning's evidence was produced against Archibald Douglas on his collusive trial, he objected to its inconsistencies: that in one part, after supping in his chamber, he went out, it was said at the back door with his two servants, to the deid doing: in another part of the same deposition, Binning had gone to bed, in his own house, when the explosion took place, and returning on the noise, found his master reading in bed; that he followed him next day to the court, in vacation, when the session was not sitting, and when Douglas was not then promoted to the bench; and that the road from the cham-

ber to the Kirk of Field, was by no means fit for a man armed in his *secret* and steel bonnet, "to pass with velvet mules to sic a deid." But the contradictions, of which Douglas availed himself, confirm the fact. After supper, at six in the evening, he passed with two servants, according to agreement, in his *secret* armour to meet Bothwell in the Cowgate, and was one of the three whom Powrie, on the last carriage of the powder to the Black Friars gate, describes, in his second examination, as attending Bothwell with cloaks about their faces and mules upon their feet. Hay of Talla walked with Bothwell up and down the Cowgate, while the powder was bringing, but that part of his evidence in which he blotted Huntley, was suppressed in his deposition; and as Argyle and Huntley had passed with the queen to the king's chamber, it is most likely that one or other returned to Bothwell in the Cowgate before the powder arrived. On Douglas's return home, when Binning was sent to (a house in) Thropstows Windefoot, he met certane mussilit men, or others of the conspirators whom Bothwell had dismissed, one of whom he perceived to be Sir James Balfour's brother, sent to the deid doing, and the abbot of Coldingham (Lethington's brother sent on the same purpose) coming in, gave him a sign to be silent; evidently before the explosion took place. Douglas afterwards retired to bed, like Ormiston, that no man might say he was at the deid doing; and his servant returning upon the report of the powder, found him reading in bed, and followed him next day to the Tolbooth, not to the court of session, but to the justice general's inquisition into the murder. The velvet mules were high soled

slippers, without quarters, made of fine cloth or velvet, embroidered, and worn by courtiers above the shoes :

Thair *dry scarpenis* bayth tryme and meit,

Thair *mullis glitteran* on thair feet.

Thair *schone* of velvet and thair *mullis*.

Pinkerton's Anc. Scot. Poems, ii. 184. 327.

The *dry scarpenis* (escarpins, thin pumps) indicate that mules were worn like clogs, or boxes: and the court dress of Henry III. of France, required white pumps and black velvet mules, (*l'escarpin blanc, et la mule de velour noir,*) without which no person could enter the presence chamber. Vigneul-Marville's *Mélanges d'Histoire*, &c. i. 20. The embroidered mules that were worn by courtiers, distinguished Huntley, Argyle, and Douglas from peasants, and were easily discerned by Powrie, from the reflection of the lighted candle within the gate. I conclude therefore that Huntley and Douglas were present, when the powder was brought to the Blackfriars gate; and, as the latter informed Morton that he came with Huntley and Bothwell to the Kirk of Field yard, it would appear that he was dismissed there, on their return to the queen, as Huntley was afterwards dismissed by Bothwell at midnight, on his return from the palace. Paris's Second Confession. As the powder was then introduced, Douglas informed Morton that he was present, not imagining that Bothwell attended farther to the deed doing; but Morton naturally imagined, that he returned with Huntley and Bothwell from the abbey, before the explosion took place.

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